

WILDLIFE AND FISHERIES

TITLE 56

OF THE

LOUISIANA REVISED STATUTES

As Amended through 2010 Regular Session

**Printed from
House of Representatives Database**

October, 2010

TABLE OF CONTENTS

TITLE 56

WILDLIFE AND FISHERIES

CHAPTER 1. GENERAL PROVISIONS FOR WILDLIFE AND FISHERIES

PART I. WILDLIFE AND FISHERIES COMMISSION

§	1.	Wildlife and Fisheries Commission established; membership; qualifications; definitions	1
§	2.	Supervision and direction of commission; meetings	1
§	3.	Ownership of wild birds, quadrupeds, fish, aquatic life, water bottoms, oysters, and shellfish	2
§	4.	Authority of Department of Natural Resources over navigable water bottoms	2
§	5.	General powers and authority	3
§	6.	Special powers and duties; statistics; rules and regulations; reports	3
§	6.1.	Emergency closure of hunting or fishing seasons; rules and regulations; prohibitions; penalties	7
§	6.2.	Advisory committees	8
§	7.	Domicile of commission; service of process; suits; parties	8
§	8.	Definitions	8
§	9.	Report of violations; criminal prosecution; schedule of fines; citations; ex officio notaries public	19
§	10.	Annual report to governor; estimate of proposed expenditures; particular funds; warrants; vouchers; surplus funds	21
§	10.1.	Aquatic Plant Control Fund; creation; uses	24
§	11.	Bond of director and employees	25
§	12.	Boats and other movable property	25
§§	13,		
	13.1.	<i>Repealed</i>	25
§	14.	Saltwater Fishery Enforcement Account; creation; use of monies in the account	25
§	15.	Prohibited acts involving interstate commerce	26
§	16.	Intentional concealment, destruction, or deposit of illegal fish, wildlife, or other animals; penalties	26
§	17.	Taking fish for purpose of science and cultivation; permits; propagation of fish	26
§	18.	Trespass on or injury to structures or areas used for scientific experiments	27
§	19.	Exchange of fish hatched at fish hatcheries for fish roe or fish eggs	27
§	20.	Releasing game, fowl, or fish; permission; intrastate restocking; violations	27
§	21.	Stocking waters with fish	27
§	22.	Rules and regulations for protection and preservation of fish	27
§	23.	Penalty for violations	28
§	24.	Contract by commission with private landowners for use of lands for wildlife management areas in consideration for relief from certain taxation	28
§	25.	Fish and wildlife restoration and management projects; assent to federal aid act; duties of commission	28
§	26.	<i>Repealed</i>	28
§	27.	Management and harvesting of fish in private ponds exempt from statutory limitations; permits; exceptions	28
§	28.	Official badges, identification cards, other insignia	29
§	29.	Interference with marks or buoys	29

PART I-A. DEPARTMENT OF WILDLIFE AND FISHERIES

§ 30.	Department of Wildlife and Fisheries; powers; duties; functions; periodic evaluation of fees and charges imposed	29
§ 30.1.	Department of Wildlife and Fisheries; issuance of licenses and permits for hunting and fishing	30
§ 30.2.	Notice to legislators	30
§ 30.3.	Lease of state lands; access to public waterways	30
§ 30.4.	Geophysical and geological surveys	30

PART II. PENALTIES AND ENFORCEMENT PROCEDURES

SUBPART A. PENALTIES

§ 31.	Class one violations	31
§ 31.1.	Revocation of license; denial of license; penalties	31
§ 32.	Class two violation	31
§ 33.	Class three violation	32
§ 34.	Class four violation	32
§ 35.	Class five violation	32
§ 36.	Class six violation	33
§ 37.	Class seven violation	33
§ 37.1.	Class eight violation	33
§ 38.	Revocation of license	33
§ 39.	Forfeiture of quadrupeds, birds, and fish; Fish and Wildlife Violations Reward Fund, creation and use of fund monies	34

SUBPART A-1. CIVIL PENALTIES FOR RESTITUTION OF VALUE OF WILDLIFE AND AQUATIC LIFE

§ 40.1.	Liability for value of fish, wild birds, wild quadrupeds, and other wildlife and aquatic life	35
§ 40.2.	Value of fish, wild birds, wild quadrupeds, and other wildlife and aquatic life	35
§ 40.3.	Civil penalties; assessment; administrative hearing	35
§ 40.4.	Civil suit for recovery of value	36
§ 40.5.	Venue and procedure	36
§ 40.6.	More than one defendant	36
§ 40.7.	Recovery of value in addition to fine	36
§ 40.8.	Both civil suit and criminal prosecution permissible; exceptions	37
§ 40.9.	Disposition of recovery	37

SUBPART B. ENFORCEMENT PROCEDURES

§ 45.	Jurisdiction of trial of violations	37
§ 46.	Venue when river divides parishes	37
§ 47.	Venue when offense committed in lake, bay, or other body of water	37
§ 48.	Venue when offense committed in the Gulf of Mexico	37
§ 49.	Venue when exact place of vessel cannot be determined	38
§ 50.	Venue; exception when exact place cannot be determined	38
§ 51.	Limits of state sovereignty	38
§ 52.	Issuance of search warrants	38
§ 53.	Commissioned wildlife enforcement agents of the enforcement division may carry weapons	38
§ 54.	License requirements; enforcement by wildlife agents; arrest without warrant	38
§ 54.1.	Prima facie evidence of violation of law	39
§ 55.	Search with or without warrant	39
§ 55.1.	Toledo Bend Reservoir; assignment of officers	39
§ 55.2.	Additional authority of commissioned wildlife enforcement agents	39
§ 55.3.	Boats maintained for enforcement; vehicle equipment	40
§ 56.	Seizure of things illegally used or possessed	40
§ 57.	Seizure of vessels, airplanes, vehicles, and equipment	41
§ 57.1.	Forfeitures for fraud	41

§ 57.2.	Turtle excluder devices; findings; enforcement of federal requirements; rules and regulations	41
§ 57.2.	Enforcement of certain federal device requirements prohibited until specific conditions satisfied; rules and regulations	42
§ 57.3.	Licenses; fraudulent acquisition; penalty	42
§ 57.4.	Fish excluder device requirements; enforcement of federal laws, rules or regulations prohibited; adoption of rules and regulations prohibited	42
§ 58.	Disposition of seizures other than vessels, airplanes, and other vehicles	43
§ 59.	Disposition of seized vessels, airplanes, vehicles, and equipment therefor	43
§ 60.	Confiscation of things seized	44
§ 61.	Disposition of things, other than vessels, airplanes, vehicles and equipment, confiscated or forfeited to the department	44
§ 62.	Time limit for retention of things seized	44
§ 63.	Proceeds of sales of things seized; commingling with conservation fund	45
§ 64.	Proceeds of sales of things seized; no liability after two years	45
§ 65.	No liability for acts performed in good faith	45
§ 66.	No criminal liability for covert operations officers	45
§ 67.	Enforcement of civil judgment	45
§ 68.	Aviation unit; powers and duties	45
§ 68.1.	Federal enforcement officers; Avoyelles Parish; Cameron Parish; Calcasieu Parish	46
§ 68.2.	Federal enforcement; saltwater fisheries laws	46
§ 69.	Exemptions from traffic regulations	46
SUBPART B-1. AUXILIARY ENFORCEMENT PROGRAM		
§ 69.1.	Purpose	47
§ 69.2.	Definitions	47
§ 69.3.	Commissions and commissioning	47
§ 69.4.	Requirements for commissioning	48
§ 69.5.	Training	48
§ 69.6.	Probation	49
§ 69.7.	Renewal of commissions	49
§ 69.8.	Revocation of commissions	50
§ 69.9.	Reserve agent	50
§ 69.10.	Powers and duties of auxiliary agents	51
§ 69.11.	Compensation	51
§ 69.12.	Liability	51
§ 69.13.	Rules and regulations	51
SUBPART B-2. WILDLIFE VIOLATOR COMPACT		
§ 69.21.	Wildlife Violator Compact	51
§ 69.22.	Definitions	53
§ 69.23.	Procedures for issuing citations in relation to the Wildlife Violators Compact	54
§ 69.24.	Procedure for the home state	54
§ 69.25.	Reciprocal recognition of suspension	55
§ 69.26.	Applicability of other laws	55
§ 69.27.	Compact administrator procedures	55
§ 69.28.	Entry into and withdrawal from the Wildlife Violator Compact	56
§ 69.29.	Amendments to the Wildlife Violator Compact	56
§ 69.30.	Licensing authority; rules and regulations	56
§ 69.31.	Construction and severability	57
SUBPART C. LOUISIANA HELP OUR WILDLIFE PROGRAM		
§ 70.1.	Title	57
§ 70.2.	Creation and purpose	57
§ 70.3.	Louisiana Help Our Wildlife Fund; creation; composition of fund; uses of fund	57
§ 70.4.	Rewards; payments	58

PART III. INTERSTATE COOPERATION AND SCIENTIFIC RESEARCH

SUBPART A. GULF STATES MARINE FISHERIES COMPACT

§ 71.	Governor authorized to enter into compact with other states relative to better utilization of fisheries	59
§ 72.	Purpose of compact	59
§ 73.	Time compact becomes operative; parties to compact	59
§ 74.	Gulf States Marine Fisheries Commission; representatives; qualifications	59
§ 75.	Powers of commission; legislation	59
§ 76.	Officers; rules and regulations; meetings	60
§ 77.	Action taken by commission; requirements	60
§ 78.	U.S. Fish and Wildlife Service to be primary research agency; advisory committee	60
§ 79.	Participation of non-coastal state; limitation	60
§ 80.	Signatory states not precluded from additional restrictions	61
§ 81.	Additional compact amendments by signatory states	61
§ 82.	Absence from representation on the commission	61
§ 83.	Operating expenses; proration	61
§ 84.	Continuance of compact; renunciation; notice	61
§ 85.	Commission representatives from Louisiana; appointment; alternates	62
§ 86.	Commission powers to be no limitation on state powers	62
§ 87.	Necessary travel expenses; payment	62

SUBPART B. LOUISIANA WILDLIFE STAMP RESEARCH PROGRAM

§§ 91 to 96.	<i>Repealed</i>	62
--------------	-----------------	----

PART IV. WILD BIRDS AND WILD QUADRUPEDS

SUBPART A. HUNTING

§ 101.	<i>Repealed</i>	62
§ 102.	<i>Repealed</i>	63
§ 103.	License; license books; returns; transfer of license prohibited	63
§ 103.1.	Nonresident licenses; penalties	63
§ 104.	License fees; reciprocity; exceptions	64
§ 104.1.	Physically challenged hunter permits	67
§ 105.	Special permits and licenses; scientific or purpose; bow licenses; beaver permit	67
§ 106.	Field trials	68
§ 107.	Firing, feeding and breeding grounds	68
§ 108.	Deer and turkey harvest records and tagging	68
§ 109.	Wildlife management areas; wildlife refuges; public hunting grounds and recreation areas; notice; signs; disabled hunters	68
§ 109.1.	Use of all-terrain vehicle trails on wildlife management areas	70
§ 109.2.	Preservation of wildlife management areas; wildlife refuges; public hunting grounds and recreation areas	70
§ 110.	Deer Management Assistance Program areas; notice; signs; prohibitions	70
§ 110.1.	Quality Deer Management Program	71
§ 111.	Removal or destruction of signs	72
§ 112.	Disposal of birds or quadrupeds becoming a nuisance	72
§ 113.	Taking wild birds or game imported for experimentation or propagation	72
§ 114.	Open season; curtailment by parish governing authority	72
§ 115.	Wild birds and wild quadrupeds; adoption of seasons, bag and possession limits; rules and regulations; penalties	72
§ 116.	Wild birds and wild quadrupeds; special hunting seasons	73
§ 116.1.	Wild birds and wild quadrupeds; times and methods of taking; penalties	74
§ 116.2.	Wild birds and wild quadrupeds; sales, purchases of parts prohibited; exceptions	76
§ 116.3.	Special provisions applicable to deer and bear; times and methods of taking; penalties	77
§ 116.4.	Special provisions applicable to turkey; times and methods of taking; penalties	78
§ 116.5.	Computer-assisted remote hunting prohibited; penalties	79

§ 117.	Possession limits; game birds; transportation of game birds; tags	79
§ 118.	Migratory game bird violations	80
§ 119.	Possession of game birds after close of open season	80
§ 120.	Storage of game birds or quadrupeds; tags	80
§ 121.	Traps, cages, etc., for taking wild birds; confiscation; exception for destructive blackbirds ..	81
§ 121.1.	Traps; wild quadrupeds	81
§ 122.	Carrier pigeons, killing or catching when banded prohibited; penalty	81
§§ 123,		
124.	<i>Repealed</i>	81
§ 124.1.	Dogs; regulation of; police juries	81
§ 125.	Possession of game quadrupeds; tags; deer carcasses	81
§ 126.	<i>Repealed</i>	82
§ 127.	Confiscation of illegal traps or snares and quadrupeds taken thereby	82
§ 128.	Falconry	82
§§ 129 to		
135.	<i>Repealed</i>	82
§ 136.	Jurisdiction where offense committed in river between two parishes or in Gulf of Mexico ..	82
§§ 137,		
138.	<i>Repealed</i>	83
§ 139.	Criminal penalty	83
§ 140.	Foxes; bobcats	83
§ 141.	Training of dogs during closed season; taking of certain pen-raised birds for the purposes of field trials and hunting dog training	83
§ 142.	Catahoula lake area; operation of mud boats for purpose of hunting or fishing prohibited ...	84
§ 143.	"Hunter orange" display by hunters with guns	84
§ 144.	<i>Repealed</i>	84
SUBPART A-1. LOUISIANA DUCK LICENSE, STAMP, AND PRINT PROGRAM		
§ 151.	Purpose	84
§ 152.	<i>Repealed</i>	85
§ 153.	Issuance of duck licenses; regulations; design, marketing, and sale of duck stamps and prints	85
§ 154.	<i>Repealed</i>	85
§ 155.	Louisiana Duck License, Stamp, and Print Fund; purposes	85
§ 156.	Reciprocal agreements	86
§ 157.	Penalties	86
SUBPART A-2. LOUISIANA WILD TURKEY STAMP PROGRAM		
§§ 161 to		
163.	<i>Repealed</i>	86
SUBPART A-2. LOUISIANA WILD TURKEY FUND		
§ 164.	Louisiana Wild Turkey Stamp Fund; purposes	86
§ 165.	Reciprocal agreements	86
§ 166.	Penalties	86
SUBPART B. BREEDING AND PROPAGATION OF WILD BIRDS AND WILD QUADRUPEDS		
§ 171.	Wildlife; business of raising and selling; breeder's license	87
§ 172.	Killing of birds or animals; sale; trapping regulations; exporting live specimens	87
§ 173.	Transportation of birds or animals killed; tags; sale of carcass	87
§ 174.	Shipment of carcasses or parts thereof; tag or label	88
§ 175.	License for sale of birds killed and tagged	88
§ 176.	Report of birds or animals killed and sold	88
§ 177.	Fencing farms or preserves	88
§ 178.	Ownership of birds and animals on fenced breeding area; trespass	88
§ 179.	<i>Repealed</i>	89
§ 180.	Revocation of license	89
§ 181.	Penalty for violation of Sub-part	89

SUBPART C. LOUISIANA ACRES FOR WILDLIFE

§ 191.	Title	89
§ 192.	Purpose	89
§ 193.	Wildlife biologists; duties; qualification	89

PART V. TRAPPING FUR-BEARING ANIMALS OR ALLIGATORS

SUBPART A. GENERAL PROVISIONS

§ 251.	Licenses; possession limit for nonresident alligator hunter; deposit as guarantee of payment of severance tax; penalties	90
§ 252.	Residence of alligator hunters, fur buyers and dealers	91
§ 253.	Shipping raw furs, alligators, alligator skins, and alligator parts out of state; tags	92
§ 254.	<i>Repealed</i>	93
§ 255.	Alligator records; inspections	93
§ 256.	Severance tax	93
§ 257.	Payment of tax by trappers, alligator hunters, and alligator farmers shipping or taking own catch out of state; shipping tags	94
§ 258.	Dealer records; payment of tax; confiscation of furs and skins	94
§ 259.	Open season; method of taking animals; prohibited devices; possession and sale of skins ...	94
§ 260.	Setting a trap, snare, net, or other device	96
§ 261.	Possession; alligator eggs, live alligators, skins	96
§ 262.	Nongame quadrupeds; breeding, propagation, and exhibition	96
§ 263.	Alligator parts, buying and selling; license; reports; tagging	97
§ 264.	Scientific research	98
§ 265.	Trespass on marshlands to trap or hunt fur bearing animals	98
§ 266.	Louisiana Fur Public Education and Marketing Fund	98
§§ 267 to 273.	<i>Repealed</i>	100
§ 274.	<i>[Blank]</i>	100
§§ 275, 276.	<i>Repealed</i>	100
§ 277.	<i>[Blank]</i>	100
§ 278.	Louisiana Alligator Advisory Council	100
§ 279.	Louisiana Alligator Resource Fund	101
§ 280.	White or albino alligators; taking from the wild; prohibition; penalties; notification to alligator hunters	102

SUBPART B. NUTRIA CONTROL

§ 281.	Nutria control cost-sharing; statement of intent	103
§ 282.	Powers and duties of the secretary	104
§ 283.	Cooperative agreements; cost-sharing	104
§ 284.	Annual proposal; cost-sharing; purpose	104

SUBPART C. WILD ANIMAL MANAGEMENT

§ 291.	Feeding of wild bears prohibited	105
--------	--	-----

PART VI. FISHING AND FISH INDUSTRY LICENSING

SUBPART A. GENERAL PROVISIONS

§ 301.	Definitions	105
§ 301.1.	License requirements; possession; nontransferability	105
§ 301.2.	Application requirements; proof of residency; material misstatements; fees for certain alien individual licenses	106
§ 301.3.	Applicability to other fishing laws	106
§ 301.4.	Records; confidentiality	106
§ 301.5.	Commission rules and regulations	107
§ 301.6.	Special licenses and permits	107
§ 301.7.	Dedication of proceeds of licenses	107
§ 301.8.	Nonresident recreational fishermen; possession of license; penalty	107

SUBPART B. RECREATIONAL FISHERMEN

§ 302.	Recreational fishing license; recreational gear	108
§ 302.1.	Annual license; temporary license; fees; saltwater fee; exemptions	108
§ 302.2.	Exception for certain residents, nonresidents, and military personnel from purchase or possession of basic recreational and saltwater license	111
§ 302.3.	Recreational gear license	111
§ 302.4.	Recreational fishing licenses: license year; purchase period	113
§ 302.5.	Basic recreational fishing licenses; issuing agent commission	113
§ 302.6.	Recreational gear license place of purchase; basic recreational fishing license requirement	114
§ 302.7.	Free fishing days	114
§ 302.8.	<i>Repealed</i>	114
§ 302.9.	Charter boat fishing guide license; nonresident fee	114
§ 302.9.1.	Charter boat license; skiff fee; charter fishing trip license	115
§ 302.10.	Sale of recreational catch	116

SUBPART C. COMMERCIAL FISHERMEN

§ 303.	Commercial fisherman's license; fees; place of purchase; information	116
§ 303.1.	Commercial fisherman's license; license year; purchase period	117
§ 303.1.1.	Fresh products license	117
§ 303.2.	License possession; menhaden	118
§ 303.3.	Helpers	118
§ 303.4.	Commercial fisherman's sales receipt form	118
§ 303.5.	Presumptions relative to fish caught by person possessing a commercial fishing license	119
§ 303.6.	Oyster harvester license	119
§ 303.7.	Transport and sale of the catch	119
§ 303.8.	Special apprentice license; commercial taking of saltwater fish; requirements	120
§ 303.9.	Presumption of fish used for commercial purposes only	120
§ 303.10.	<i>Repealed</i>	120

SUBPART D. VESSEL LICENSE

§ 304.	Vessel license; fees; place of purchase	121
§ 304.1.	Vessel license: license year; purchase period	121
§ 304.2.	Operation by person not holding a commercial fisherman's license	121
§ 304.3.	Registered vessels	121
§ 304.4.	Display of license	122
§ 304.5.	Transferability; change of vessel name	122

SUBPART E. GEAR LICENSE

§ 305.	Commercial gear license; issuance to certain nonresidents prohibited; moratorium on certain new gear licenses; renewals	122
§ 305.1.	License year; place of purchase; purchase period	124
§ 305.2.	Applicant, license information; commercial gear license for the fishing of menhaden	125
§ 305.3.	Temporary transfer of commercial gear licenses	125
§ 305.4.	Other licenses	125
§ 305.5.	Commercial gear license for gill net; permits to be used in the EEZ; dedication and expenditure of funds collected	125
§ 305.6.	Moratorium on crab trap gear licenses	126
§ 305.7.	Rod and reel gear license eligibility; class three or greater violations; prohibitions	126

SUBPART F. WHOLESALE/RETAIL SEAFOOD DEALER

§ 306.	Wholesale/retail seafood dealer's license; place of business; employees; exemptions; wholesale out-of-state crab shipping license	126
§ 306.1.	Retail seafood dealer's license; place of business; employees; retail out-of-state crab shipping license	127
§ 306.2.	License fee; place of purchase	129
§ 306.3.	Wholesale/retail seafood dealer's license and retail seafood dealer's license; license year; purchase period	129

§ 306.4.	Restrictions on buying and selling and transportation by wholesale/retail seafood dealers, retail seafood dealer's license; restaurants and retail grocers	129
§ 306.5.	Records	130
§ 306.6.	Monthly returns to the department by wholesale/retail seafood dealers	131
§ 306.7.	Definitions	131
SUBPART G. TRANSPORT LICENSE		
§ 307.	Transporter; license required	132
§ 307.1.	Transport license fee; underlying license	132
§ 307.2.	Buying and selling prohibition by transporters; exceptions	132
§ 307.3.	Number of licenses that can be purchased	133
§ 307.4.	<i>Repealed</i>	133
§ 307.5.	Transferability	133
§ 307.6.	Common carriers	133
§ 307.7.	Shipping records	133
SUBPART H. PENALTY		
§ 308.	Penalty	133
SUBPART I. SOFT SHELL CRAB SHEDDERS		
§§ 309 to		
309.4.	<i>Repealed</i>	134
PART VII. FISH AND OTHER AQUATIC LIFE		
SUBPART A. SPORT AND COMMERCIAL FISHING		
§§ 311,		
312.	<i>Repealed</i>	134
§ 313.	Control of fisheries; duty of commission; duty of the department	134
§ 314.	Confiscation of unlawful tackle	134
§ 315.	Sanctuaries and propagating places; closed zones	134
§ 315.1	Fish ladders	135
§ 316.	Trespass on areas set aside for propagation of fish	135
§ 317.	<i>Repealed</i>	135
§ 318.	Taking fish for scientific or educational purposes; permits	135
§ 318.1.	Fishing tournaments; special permits	135
§ 319.	Exotic fish; importation, sale, and possession of certain exotic species prohibited; permit required; penalty	136
§ 319.1.	Control of importation of fish; department's regulatory authority	136
§ 319.2.	Designation and taking of exotic fish	137
§ 320.	Methods of taking freshwater or saltwater fish	137
§ 320.1.	Use and possession of certain gill nets, trammel nets, strike nets, or seines; prohibited	139
§ 320.2.	Federal exclusive economic zone (EEZ)	139
§ 321.	Elevated trotlines prohibited; civil liability	139
§ 322.	Seines or nets; size of mesh; classification as to salt or fresh water; crawfish traps	140
§ 322.1.	Shad seine; commercial harvest of shad and skipjack herring	142
§ 322.2.	Shad gill nets; commercial harvest of shad and skipjack herring	143
§ 323.	Bait; methods of taking	144
§ 324.	Menhaden seines; restrictions	144
§ 325.	Daily take, possession, and size limits; freshwater recreational fish	144
§ 325.1.	Size and possession limits, recreational saltwater finfish; penalties	145
§ 325.2.	Saltwater recreational fish; total length	147
§ 325.3.	Spotted sea trout commercial taking; annual quota; red drum commercial taking, possession, or landing prohibited	147
§ 325.4.	Commercial taking of other saltwater finfish; exceptions; mesh size	149
§ 325.5.	<i>Repealed</i>	150
§ 325.6.	Bait gulf menhaden; annual quota after regular closed season	150
§ 326.	Size and possession limits; commercial fish	151
§ 326.1.	Size limits set by commission	154

§ 326.2.	Vessels landing red drum; notice to department; equipment; inspection	154
§ 326.3.	Possession limits; size limits, seasons, quotas, times, and daily take limits, set by commission; penalties	154
§ 326.4.	Staggered and split seasons and quotas	155
§ 326.5.	Bowfin; size limitations; eggs	155
§ 326.6.	Closed season; bowfin	155
§ 327.	Sale or purchase of freshwater or saltwater game fish prohibited; commercial sales and purchases, commercial license required; commercial fingerlings and certified mariculture and aquaculture fish excepted; penalties	156
§ 327.1.	Aquaculturally raised fish; definitions; importation	157
§ 328.	Conducting fishing operations so as not to destroy nests or natural hiding places of young fish; prohibited importation; sale or offer for sale of noxious aquatic plants; permit; penalty	158
§ 329.	Obstruction of streams or lakes by fyke nets or other devices	159
§ 330.	Crawfish harvesters; crawfish traps	159
§ 331.	Crab Task Force	160
§ 331.1.	<i>Repealed</i>	160
§ 332.	Crabs; release of crabs in berry stage; method of taking crabs; time limitations; by-catch; penalties; abandoned crab trap removal program	160
§ 332.1.	Eel; methods of taking; licensing; marking; violation	163
§ 333.	Mullet; saltwater areas	163
§ 333.1.	Mullet; freshwater areas	165
§ 333.2.	Mullet Task Force	165
§§ 334,		
334.1.	<i>Repealed</i>	166
§ 334.2.	Freshwater fishing allowed in designated saltwater areas	166
§ 335.	<i>Repealed</i>	166
§ 336.	Penalty for violation of sport fishing provisions	166
§ 337.	<i>Repealed</i>	166
§ 338.	Registration of vessels; application; misstatements; penalties	166
§ 339.	Transportation of fish to other states; reciprocity	167
§§ 340 to		
354.	<i>Repealed</i>	167
§ 355.	Penalty provision	167
§ 356.	Aquaculture defined	167
SUBPART A-1. AQUATIC INVASIVE SPECIES		
§ 360.1.	Louisiana Aquatic Invasive Species Council	167
§ 360.2.	The Louisiana Aquatic Invasive Species Task Force	168
§ 360.3.	Powers, duties, functions, and responsibilities of the Louisiana Aquatic Invasive Species Council and Task Force	169
SUBPART B. MISCELLANEOUS PROVISIONS APPLICABLE TO CERTAIN WATER BODIES		
§ 401.	Commercial seining prohibited in Lake Bruin and other lakes; penalty	170
§ 402.	Commercial fishing in Lake Bruin prohibited; penalty	170
§ 403.	Commercial seining prohibited in Clear Lake; penalty	171
§ 404.	Use of seines, nets, or webbing in Bogue Chitto River prohibited; logging and hand grabbing of fish in Bogue Chitto River prohibited; penalty	171
§ 405.	Use of certain gear in Tchefuncte River and Lake Des Allemands prohibited; penalty	171
§ 406.	Use of trammel net, seine, gill net, or webbing prohibited in the waters of Breton Islands and Chandeleur Islands; exceptions; penalty	171
§ 407.	Use of trammel nets, gill nets, and seines in certain areas of Lake Borgne prohibited	172
§ 408.	Lake Maurepas; trawling prohibited; nets in certain areas prohibited	173
§ 409.	Saline Lake; Iatt Lake; triploid grass carp; introduction; expenditures	173
§ 409.1.	Penalty for the wasting of the state's fishery resources	173
§ 410.	Trawling at night prohibited on White Lake and Grand Lake	174

§ 410.1.	Paratrawling prohibited in canals; penalty	174
§ 410.2.	Use of trammel nets, gill nets, and strike nets in Calcasieu Lake in Cameron Parish prohibited	174
§ 410.3.	Sabine Lake; taking of crabs; seasons; gear; penalties	174
§ 410.4.	Caddo Lake; yo-yos or trigger devices; limit; marking required; leaving devices unattended prohibited; exception; penalty	174
§ 410.5.	Chicot Lake; yo-yo devices; use; regulation; penalty	174
§ 410.6.	Calcasieu Lake in Calcasieu Parish; use of trammel nets, gill nets, strike nets, and seines ..	175
§ 410.7.	Black Lake, Clear Lake, and Prairie Lake; marking of nets required; permitted and prohibited fishing gear; penalties	175
§ 410.8.	Lake D'Arbonne; trotlines; use; regulation	175
§ 410.9.	Lake D'Arbonne; yo-yos, trigger devices; use, regulation; penalty	176
§ 410.10.	Use of certain fishing gear on Poverty Point Reservoir; prohibition	176
§ 410.11.	Lake Saint Joseph; yo-yos, trigger devices; use, regulation; penalty	176
SUBPART C. DOMESTIC FISH FARMING		
§ 411.	Legislative findings and purpose	177
§ 412.	Issuance and renewal of domesticated aquatic organism license	177
§ 413.	Harvest and sale of domesticated aquatic organisms	178
§ 414.	Penalties	178
§ 415.	Crawfish and catfish farmers	179
SUBPART D. OYSTERS AND OYSTER INDUSTRIES		
§ 421.	Oyster Task Force	179
§ 422.	Regulation of industry; residence of persons engaging in; employment of labor and vessels	180
§ 423.	Property rights, larceny or other public offense concerning; leases heritable and transferable; adjudication of claims	181
§ 424.	Taking of oysters	182
§ 424.1.	Illegal taking of oysters; penalties	184
§ 425.	Lease of water bottoms; stipulations; boundary disputes	184
§ 426.	Filing and recordation of water bottoms leases	185
§ 427.	Initial application for lease	186
§ 427.1.	State, political subdivisions of the state, and the United States held harmless in coastal restoration	186
§ 428.	Commencement and duration of lease; renewal; fixing of rental rates	187
§§ 428.1 to 428.3.	<i>Repealed</i>	187
§ 429.	Default in payment of rent; cancellation and forfeitures	188
§ 430.	Additional lease stipulations	188
§ 430.1.	<i>Repealed</i>	188
§ 431.	Unlawful removal of oysters or signs from leased propagating grounds; instructions to captain and crew of vessels; penalty	188
§ 431.1.	Devices to protect oysters from predation; use on leased acreage	189
§ 432.	Territorial limitations	190
§ 432.1.	Oyster Lease Acquisition and Compensation Program	190
§ 432.2.	Annual reporting of coastal protection, conservation, and restoration project status	193
§ 433.	Culling oysters taken from natural reefs; size limits	193
§ 433.1.	Oyster seed ground vessel permit; Oyster Seed Ground Vessel Permit Appeals Board	194
§ 434.	Oyster seed grounds; designation and setting aside; rules and regulations concerning taking of seed oysters; areas recognized as oyster seed reservations; protection of oyster seed reservations	196
§ 434.1.	Public Oyster Seed Ground Development Account	197
§ 435.	Dredges and scrapers; use in removing oysters	198
§ 435.1.	Sabine Lake; methods of harvest; penalty; season; self-propelled vessels; harvested oysters	198

§ 435.1.1.	Oyster harvest in Calcasieu Lake	198
§ 435.2.	<i>Repealed</i>	199
§ 436.	Restricted time of taking oysters	199
§ 437.	Sale of oysters for raw consumption within the state	199
§ 438.	Surveyor, definition	199
§ 439.	Staking off or bedding oysters on unleased water bottoms	199
§ 440.	Standard measurements; barrel	200
§ 441.	<i>Repealed</i>	200
§ 442.	Collection and disposition of funds; dedication of funds	200
§ 443.	<i>Repealed</i>	200
§ 444.	License number display	200
§ 445.	<i>Repealed</i>	201
§ 446.	Oyster severance tax; collection	201
§§ 447,		
448.	<i>Repealed</i>	201
§ 449.	Tags; distribution; use; containers; penalties	201
§ 450.	Freshwater mussels; rules; penalties	203
§ 451.	Severance tax; default in payment; penalties	203
§ 452.	Penalties	204
SUBPART D-1. CLAMS		
§ 471.	Ownership of water bottoms	204
§ 472.	Severance tax	204
§ 473.	Recreational possession limit; recreational gear regulations	204
§ 474.	Time and method of taking clams	204
§ 475.	Approved ports	205
§ 476.	License display	205
§ 477.	Division of water bottoms	205
§ 478.	Demarcation line	205
§ 479.	<i>Repealed</i>	205
§ 480.	Catch limitations	205
§ 481.	Size limits	206
§ 482.	Penalty provision	206
SUBPART E. TRAWLING, SEINING, AND SKIMMING		
§ 491.	Definitions	206
§ 492.	Incidental by-catch	207
§ 493.	Control of shrimp fishery and industry	207
§ 494.	Louisiana Shrimp Task Force	207
§ 495.	Defining inside and outside waters	208
§ 495.1.	Trawling vessels; size of trawls; butterfly nets	215
§ 496.	Residence requirements; exception	217
§ 497.	Saltwater shrimp seasons; bait shrimp	217
§ 497.1.	Trawl, skimmer, or butterfly gear license eligibility	219
§ 498.	Size limit	219
§ 499.	Trawls, butterfly, and skimmer nets, and cast nets; size of mesh; length; diameter of butterfly and skimmer nets extensions; prohibited devices	220
§ 499.1.	Use of trawls in certain areas around Calcasieu Lake; use and identification of butterfly nets in certain sections of East and West Passes of the Calcasieu River, Grand Bayou, and Oyster Bayou	221
§ 499.2.	Butterfly and bottom nets; Lake Pontchartrain and Intracoastal Waterway	222
§ 499.3.	Butterfly and bottom nets; Oyster Bayou	222
§ 499.4.	Night shrimping; inside waters; Vermilion Bay; East and West Cote Blanche Bays; Atchafalaya Bay; exceptions; prohibition	222
§ 500.	Recreational possession limit; gear	223
§ 501.	Commercial taking of freshwater shrimp	223

§ 502.	Manifest of cargo of vessel carrying shrimp	224
§§ 503 to		
505.	<i>Repealed</i>	224
§ 506.	Excise tax; default in payment; penalty	224
§ 506.1.	Fee for promotion and protection of wild-caught shrimp	225
§ 507.	Penalty for violation of Subpart	226
§§ 508 to		
526.	<i>Repealed</i>	226
SUBPART F. LICENSE FEES FOR NON-RESIDENT COMMERCIAL FISHERMEN		
AND FISHING BOATS		
§ 551.	Harvest and sale of crabs	226
§§ 552 to		
556.	<i>Repealed</i>	226
§ 557.	Disposition of moneys received	226
§ 558.	Enforcement of penalties by civil proceedings	227
§§ 559 to		
561.	<i>Repealed</i>	227
SUBPART G. SEA FOOD INDUSTRIES		
§ 571.	Underutilized species, policy and purpose; permits; fees; rules and regulations	227
§ 572.	Legality of contracts	227
§ 573.	Approval of contracts	228
§ 574.	<i>Repealed</i>	228
§ 575.	Rules, applications	228
§ 576.	Disbursements	228
§ 577.	Other powers and duties	228
SUBPART G-1. LOUISIANA SEAFOOD PROMOTION AND MARKETING BOARD		
§ 578.1.	Purposes	228
§ 578.2.	Louisiana Seafood Promotion and Marketing Board; creation and organization	229
§ 578.3.	Powers, duties, and functions	230
§ 578.4.	Advertising, contracts and sales offices	231
§ 578.5.	Loan guarantees	231
§ 578.6.	Loans; limitations	232
§ 578.7.	Appropriations; warrants; records	233
§ 578.8.	Annual reports	233
§ 578.9.	Approval of regulations	233
§ 578.10.	Seafood packaging regulations	233
§ 578.11.	Labeling of catfish packaging;possession and exchange of certain catfish prohibited; penalties	233
§ 578.12.	Louisiana Seafood Promotion and Marketing Board; Louisiana Oyster Task Force; duties, responsibilities, and functions	234
§ 578.13.	Labeling of "crawfish"	234
§ 578.14.	Imported crawfish or shrimp; notice to patrons; penalties	235
§ 578.15.	Louisiana Wild Seafood Certification Program	235
SUBPART G-2. MARICULTURE INDUSTRY		
§ 579.1.	Permitting of mariculture in the coastal zone; policy and purpose; permits; rules and regulations; fees	236
§ 579.2.	Harvest of mariculture fish; authority to harvest during closure of fishing	237
SUBPART G-3. LOUISIANA RECREATIONAL FISHING DEVELOPMENT BOARD		
§§ 580.1 to		
580.6.	<i>Repealed</i>	238
SUBPART H. FISH HATCHERIES		
§ 581.	Expropriation of lands	238
§ 582.	Distribution of fish	238
§ 583.	Federal fish hatchery	238

SUBPART I. BIOLOGIC STATION	
§ 611.	Establishment authorized 238
§ 612.	Control of station; rules and regulations; donations; acquisition of property 238
§ 613.	Location; cooperation with federal agencies 239
SUBPART J. DEDICATION OF REVENUES	
§ 631.	Funds dedicated 239
SUBPART K. REPTILES AND AMPHIBIANS	
§ 632.	Powers and duties 239
§ 632.1.	Definitions; applicability 239
§ 632.2.	Limitations of law 240
§ 632.3.	Licenses 240
§ 632.4.	Reptile and amphibian collector's license; scientific collector's permit 240
§ 632.5.	Reptile and amphibian wholesale/retail dealer's license; nonresident three-day license 240
§ 632.5.1.	Constrictors and poisonous snakes 241
§ 632.6.	Methods of collection 241
§ 632.7.	License fee dedication 242
§ 632.8.	The Reptile and Amphibian Task Force 242
§ 632.9.	Transporter; license required; license fee; prohibitions; number of licenses; transferability; records; common carriers 242
§ 633.	Reptile and Amphibian Research Fund 243
§ 634.	Frogs; season; jacklights; restrictions on taking 244
§ 635.	Diamondback terrapins; trapping; turtle eggs 245
§ 636.	License requirements; possession; nontransferability 245
§ 637.	Records 245
§ 637.1.	Definitions; applicability 246
SUBPART L. SALTWATER FISHERY CONSERVATION AND MANAGEMENT	
§ 638.1.	Saltwater fishery conservation and management; legislative intent 246
§ 638.2.	Findings 247
§ 638.3.	Purposes 247
§ 638.4.	Policy 248
§ 638.5.	Saltwater fishery standards 248
SUBPART M. ARTIFICIAL REEFS	
§ 639.1.	Title 249
§ 639.2.	Purposes 249
§ 639.3.	Definitions 249
§ 639.4.	Establishment of standards 250
§ 639.5.	Artificial Reef Development Program; authorities and responsibilities of cooperating agencies 250
§ 639.6.	Louisiana Artificial Reef Development Council 251
§ 639.7.	Preparation of the Louisiana Artificial Reef Development Plan 251
§ 639.8.	Department of Wildlife and Fisheries; Artificial Reef Development Fund 252
§ 639.9.	Permitting for the construction and management of artificial reefs 253
§ 639.10.	Liability 253
SUBPART N. RIGHT TO FISH	
§ 640.1.	"Right to Fish" Law 254
§ 640.2.	Definitions 254
§ 640.3.	Right to fish; legislation; scientific data 254
PART VIII. LICENSING PROVISIONS APPLICABLE TO BOTH FISH AND GAME	
§ 641.	Hunting, fishing licenses; Wild Louisiana Stamp; multi-year issuance; fees 255
§ 641.1.	Exclusive licensing authority; rules and regulations 255
§ 642.	Credit card or business check purchases 256
§ 643.	Exemption of persons under age sixteen and certain military personnel from licensing requirements; active duty servicemembers, their spouses, and their children 256

§§ 644,		
645.	<i>Repealed</i>	257
§ 646.	Louisiana Sportsman's Paradise license	257
§ 647.	Suspension or denial of hunting and fishing license; failure to pay child support or individual income tax	257
§ 647.1.	Special outdoor press license	258
PART VIII-A. PROVISIONS APPLICABLE TO FISH, WILD BIRDS, AND WILD QUADRUPEDS		
HARASSMENT OF HUNTERS, TRAPPERS, AND FISHERMEN PROHIBITED		
§ 648.	Definitions	258
§ 648.1.	Harassment and disturbance prohibited	258
§ 648.2.	Remedies, damages, and penalties	259
§ 648.3.	Failure to obey order; violation	259
PART VIII-B. LIFETIME LICENSE ENDOWMENT PROGRAM		
§ 649.	Purpose	259
§ 649.1.	Lifetime hunting license	259
§ 649.2.	Lifetime sports fishing license	260
§ 649.3.	Combination lifetime hunting and sports fishing license	260
§ 649.4.	Nonresident combination lifetime hunting and fishing license	260
§ 649.5.	License; license books; transfer of license prohibited	260
§ 649.6.	Proof of residency and age; penalties	261
§ 649.7.	Infant combination lifetime hunting and fishing license	261
§ 650.	Lifetime License Endowment Trust Fund	261
§ 650.1.	Authorization of department to adopt rules and regulations	262
PART IX. HUNTING PRESERVES		
§ 651.	License	262
§ 652.	Rights under license	262
§ 653.	Information to accompany applications; annual fee	263
§ 654.	Conditions	263
§ 655.	Regulation of operations	263
§ 656.	Hunting and game laws to prevail; special licenses	264
§ 657.	Revocation of license; appeal	264
§ 658.	License periods	264
§ 659.	Penalties	264
PART X. RECIPROCAL AGREEMENTS		
§ 671.	Reciprocal agreement; fishing license	264
§ 672.	Reciprocal agreement; hunting license	265
§ 673.	Reciprocal agreement; common boundaries; taking or protection of fish or other aquatic life	265
§ 674.	Reciprocal agreement; common boundaries; wild quadrupeds or wild birds	265
§ 675.	Reciprocal agreement; statewide application; taking or protection of fish, other aquatic life, wild quadrupeds, or wild birds	265
§ 676.	Reciprocity; license fees; seasons; limits	265
§ 677.	Reciprocal agreements; Toledo Bend; Caddo Lake; special fishing licenses; fees	266
PART XI. SPECIAL RETIREMENT PROVISIONS FOR CERTAIN WILDLIFE AGENTS		
§§ 681 to		
692.	<i>Redesignated</i>	266
PART XII. ADDITIONAL SALARY FOR STATE WILDLIFE OFFICERS		
§ 695.	Purpose	266
§ 696.	Amount of additional salary	266
§ 697.	Special fund	266
§ 698.	Disbursement of funds	267

PART XIII. FIREARM AND HUNTER EDUCATION	
§ 699.	Participation in firearm and hunter education course in addition to penalties for hunting violations 267
§ 699.1.	Procuring hunting licenses without completion of course; prohibition 267
§ 699.2.	Issuance of hunting licenses to persons who have not completed the course; prohibition . . . 268
§ 699.3.	Regulation of firearm and hunter education 268
§ 699.4.	Penalty provision 268
§ 699.5.	Firearm and hunter education requirement 268
§ 699.6.	Firearm and hunter education exemption 269
§ 699.7.	Four wheeler and all-terrain vehicle instruction 269
§ 699.8.	<i>Repealed</i> 269
PART XIII-A. HUNTING AND FISHING EDUCATION ADVISORY COUNCIL	
§ 699.21.	Membership 269
§ 699.22.	Council powers; duties; responsibilities 270
PART XIV. FISHERMEN'S GEAR COMPENSATION FUND	
§ 700.1.	Definitions 270
§ 700.2.	Establishment, continuance, and purposes of fund; geographical coverage; assessments . . . 270
§ 700.3.	Rules and regulations 272
§ 700.4.	Disbursement of funds; eligibility; hearings 272
§ 700.5.	Facilities reports; survey of obstruction; labelling 273
PART XV. OYSTER LEASE DAMAGE EVALUATION BOARD	
§ 700.10.	Purpose 274
§ 700.11.	Definitions 274
§ 700.12.	Damages to oyster leases; mineral activity; settlements and claims 274
§ 700.13.	Establishment of the board 275
§ 700.14.	Rules and regulations 276
CHAPTER 2. WILDLIFE MANAGEMENT AREAS AND REFUGES	
PART I. GENERAL PROVISIONS	
SUBPART A. FEDERAL AID TO WILDLIFE RESTORATION; REFUGES FOR MIGRATORY WILD FOWL	
§ 701.	Cooperation with federal government 277
§ 702.	Acquisition of necessary property; powers of commission 277
§ 703.	Lease or sale of lands to federal government by levee boards 277
SUBPART B. FEDERAL WILDLIFE RESTORATION	
§ 711.	Protection of watersheds of navigable streams 277
§ 712.	Cooperative agreements 278
§ 713.	Powers of director; hunting and fishing licenses; rules and regulations 278
§ 714.	Penalty for violation of rules and regulations 278
SUBPART C. PARISH GAME AND FISH PRESERVES	
§ 721.	Authorization 278
§ 722.	Game and fish commission; rules and regulations 278
§ 722.1.	Game and fish commissions, Lafourche Parish 278
§ 723.	Transfer of lands by levee boards and school boards 279
§ 724.	Dykes or dams; excavations 279
§ 725.	Expropriation of property; revocation of rules and regulations 279
§ 726.	Fees for privilege of hunting and fishing; erection of camps 279
§ 727.	Approval of rules and regulations; promulgation; penalties 279
§ 728.	Appropriations out of general fund; special taxes; employment of deputy sheriff 279
§ 729.	Anacoco-Prairie State Game and Fish Preserve; transfer 280
SUBPART D. STATE GAME PRESERVE AND PUBLIC HUNTING GROUND	
§ 751.	Dedication of state lands withdrawn from entry 280
§ 752.	Control of area; rules and regulations 281

§ 753.	Trapping, hunting, or fishing on preserve	281
§ 754.	Penalty for violation of rules and regulations	281
SUBPART E. MISCELLANEOUS PROVISIONS FOR WILDLIFE REFUGES, WILDLIFE MANAGEMENT AREAS, AND PUBLIC HUNTING GROUNDS		
§ 761.	Protection of wild animals and birds on wildlife refuges, wildlife management areas, and public hunting grounds	281
§ 762.	Imported wild birds and animals protected in general	282
§ 763.	Acceptance of other lands and designation as wildlife refuges, wildlife management areas, and public hunting grounds; rules and regulations; Rainey Sanctuary; National Audubon Society	282
§ 764.	Penalty for violation of R.S. 56:761, R.S. 56:762 or R.S. 56:763	282
§ 765.	Donations for wildlife refuges, wildlife management areas, and public hunting grounds; applicability of certain laws	282
§ 766.	Taking of mayhaw berries; rules and regulations	282
§ 767.	Private property surrounded by certain wildlife management areas; regulation of hunting and fishing	282
§ 768.	Private property surrounded by wildlife management areas; access	283
SUBPART F. UPLAND WILDLIFE REFUGES, WILDLIFE MANAGEMENT AREAS AND PUBLIC HUNTING GROUNDS		
§ 781.	Authorization for creation of wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, and wildlife sanctuaries	283
§ 782.	Notice of intention to dedicate lands; publication	283
§ 783.	Lease of lands; publication of notice	283
§ 784.	Reforestation projects; contracts with owners of land; notice	284
§ 785.	Posting of land; stocking; rules and regulations	284
§ 786.	Dedication of land; trespass; destruction or defacing signs; arrest	284
§ 787.	Penalty for violation of Subpart	284
SUBPART G. SCHOOL LANDS WITHIN OR CONTIGUOUS TO WILDLIFE REFUGES, WILDLIFE MANAGEMENT AREAS, OR PUBLIC HUNTING GROUNDS		
§ 791.	Protection of wild birds or animals; penalty for violation of Subpart	285
§ 792.	Secretary excepted	285
SUBPART H. DEVELOPMENT OF ATCHAFALAYA RIVER BASIN		
§ 795.	Purchase of portions of Atchafalaya River Basin; nature, recreation and wildlife management area	285
§ 796.	Lake Fausse Point and Grand Avoille Cove Advisory Board	286
SUBPART I. WILDLIFE REFUGE AND GAME PRESERVES; REVENUES FROM; TRUST FUNDS		
§ 797.	Rockefeller Foundation Wildlife Refuge and Game Preserve; revenues; allocation	288
§ 798.	Russell Sage or Marsh Island Refuge	290
§ 799.	<i>Repealed</i>	292
SUBPART I-1. WHITE LAKE PROPERTY		
§ 799.1.	Purpose	292
§ 799.2.	Definitions	293
§ 799.3.	White Lake Property Fund	293
§ 799.4.	White Lake Property Advisory Board	294
§ 799.5.	Commission duties and responsibilities	295
§ 799.6.	Department duties and responsibilities; powers	296
SUBPART J. TIMBER ON DEPARTMENT OF WILDLIFE AND FISHERIES LAND		
§ 800.	Timber management, lease, or sale	296
PART II. PARTICULAR STATE GAME AND FISH PRESERVES AND SANCTUARIES		
§ 801.	Particular game and fish preserves and commissions recognized and continued	296
§ 802.	Responsibilities and duties	297

§ 803.	Lake Pontchartrain State Bird Sanctuary	297
§ 804.	Lake Catherine and Lake Pontchartrain Sanctuary	298
PART III. COASTAL LAND STEWARDSHIP AUTHORITY		
§ 901.	Coastal Land Stewardship Authority	299
CHAPTER 3. WATER CONTROL		
§ 1431.	Bayou Liberty; clearing; expropriation prohibited	300
§§ 1432 to		
1464.4.	<i>Repealed</i>	301
CHAPTER 4. FORESTS AND FORESTRY		
§§ 1471 to		
1584.	<i>Redesignated</i>	301
CHAPTER 5. EXPLOITATION OF NATURAL RESOURCES		
§ 1621.	Exploitation of natural resources by director or employees prohibited; removal or dismissal for violation; application	301
§ 1622.	Forfeitures of all rights, property, money, or things of value acquired	301
§ 1623.	Transfer of rights or property acquired in violation of R.S. 56:1621	301
CHAPTER 6. PARKS		
PART I. PARKS AND RECREATION COMMISSION; OFFICE OF STATE PARKS		
§ 1681.	Creation; purpose and duties; members; appointments and terms; compensation; chairman; meetings	302
§ 1682.	Office of state parks; purpose	303
§ 1683.	Office of state parks; authority to classify	303
§ 1684.	Categories of classification	303
§ 1684.1.	Cypremort Point State Park; design standards; applicability	305
§ 1685.	Classification of holdings	305
§ 1685.1.	Gary James Hebert Memorial Lockhouse	307
§ 1685.2.	J. D. "Prof" Lafleur Visitor Center at the Louisiana State Arboretum	308
§ 1686.	Use of terms prohibited	308
§ 1687.	Secretary, Department of Culture, Recreation and Tourism; powers	308
§ 1687.1.	Posting of state parks' boundaries; rules and regulations	309
§ 1687.2.	Taking of mayhaw berries; rules and regulations	309
§ 1688.	Park wardens; powers and duties	309
§ 1689.	Violation of rules and regulations; penalty	310
§ 1690.	Capacity to sue and be sued	310
§ 1691.	Possession of firearms	310
§ 1692.	Exemption from entrance fees; elderly	310
§ 1692.1.	Fee exemption for "Golden Age Passport" holders; camp sites	310
§ 1693.	Exemption from entrance fees; school children	311
§ 1693.1.	Exemption from fees; children in state's legal custody	311
§ 1693.2.	Exemption for "Golden Access Passport" holders; day-use entrance fees; camping fees ...	311
§ 1693.3.	Exemption for America the Beautiful National Parks and Federal Recreational Lands Senior Pass and Access Pass holders; camping fees	311
§ 1694.	Exemption from entrance fees; certain veterans	312
§ 1695.	Annual day use entrance permits to state parks	312
§ 1696.	Surplus from operation of parks	312
§ 1697.	Sale or donation of lands belonging to school or levee board	312
§ 1698.	Title to state parks	313
§ 1699.	Chicot State Park, special facilities camp for handicapped; creation; advisory committee; programs; use	313

§ 1700.	Clinton Confederate Cemetery, operation and maintenance; transfer to cemetery association	313
§ 1701.	Kent Plantation House, agreements for operation and maintenance	314
§ 1702.	Palmetto Island State Park; agreements for operation and maintenance	314
§ 1703.	The Louisiana State Parks Improvement and Repair Fund	314
§ 1704.	Bayou Segnette State Park; operation of the wave pool	315
§ 1705.	Poverty Point Reservoir Development Fund	315
§ 1706.	Audubon Golf Trail Development Fund	316
PART II. STATE AND LOCAL PARTICIPATION IN FEDERAL WATER PROJECT RECREATION ACT		
§ 1741.	Authority	316
PART III. GRAND ISLE BEACH		
§ 1751.	Grand Isle beach area; cleaning; maintenance	316
PART IV. AUDUBON PARK		
§ 1761.	Audubon Park Commission; creation; membership	317
§ 1762.	Powers and duties	318
§ 1763.	Contract for operation of park and zoo	319
§ 1764.	Secretary; staff	320
§ 1765.	Rules to preserve order and protect property; penalties	320
§ 1766.	Funds for park	320
PART V. RAILS TO TRAILS PROGRAM		
§ 1781.	Preservation of abandoned railroad transportation property	320
§ 1782.	Exercise of preservation rights	321
§ 1783.	Cooperative endeavors	322
§ 1784.	Intergovernmental cooperation; financing	322
§ 1785.	Ownership and usage	322
CHAPTER 7. OUTDOOR RECREATION		
§ 1801.	Secretary of the Department of Culture, Recreation and Tourism; powers and functions ..	322
§ 1802.	Authorized representative	323
§ 1803.	Agreements with United States; coordination	323
§ 1804.	Availability of funds	323
§ 1805.	Agreements on behalf of political subdivisions	323
§ 1806.	Construction of Chapter	323
§ 1807.	Cooperation of state agencies and subdivisions with secretary	324
§ 1808.	Functions and duties of state agencies	324
§ 1809.	<i>Repealed</i>	324
CHAPTER 8. LOUISIANA NATURAL HERITAGE PRESERVATION		
PART I. GENERAL PROVISIONS		
§ 1830.	Louisiana Natural Heritage Program	324
§ 1831.	Agreements; land conservation organizations	324
§ 1832.	Wild Louisiana Stamp	324
§ 1833.	Wild Louisiana Guide License	325
PART II. NATURAL AND SCENIC RIVERS SYSTEM		
§ 1840.	Short title	326
§ 1841.	Policies; purposes	326
§ 1842.	Definitions	326
§ 1843.	Administrator; duties and powers	327
§ 1844.	Scenic Rivers Fund	327
§ 1845.	Nomination, recommendation, designation, and declassification of natural and scenic rivers; legislative funding	328
§ 1846.	Management plan	329
§ 1847.	Natural and scenic rivers	329
§ 1848.	Planning considerations	333

§ 1849.	Evaluation and permitting	333
§ 1850.	Rules and regulations	334
§ 1851.	Penalties and enforcement	334
§ 1852.	Privately owned streams; copies of rules	334
§ 1853.	Prohibited uses	335
§ 1854.	Commercial cutting of trees	335
§ 1855.	Exceptions	335
§ 1856.	Historic and scenic rivers	337
PART III. LOUISIANA NATURAL AREAS REGISTRY		
§ 1861.	Short title	338
§ 1862.	Legislative findings and purpose	338
§ 1863.	Definitions	338
§ 1864.	Powers and duties of department	338
§ 1865.	Register of natural areas	339
§ 1866.	Registration of natural areas	339
§ 1867.	Dedication of natural areas	339
§ 1868.	Management, protection and inspection of natural area preserves	340
§ 1869.	Rules and regulations	340
PART IV. THREATENED AND ENDANGERED SPECIES CONSERVATION		
§ 1901.	Legislative findings and declarations	340
§ 1902.	Definitions	341
§ 1903.	Conservation, study, regulation; authority	341
§ 1904.	Threatened or endangered species, determination; notice; lists; regulations	342
§ 1905.	Retroactivity; importation	343
§ 1906.	Endangered species stamps	343
§ 1907.	Penalties and enforcement	344
PART V. WILDLIFE HABITAT AND NATURAL HERITAGE TRUST		
§ 1921.	Findings, policy, and purposes	344
§ 1922.	Acquisition of land	344
§ 1923.	Wildlife Habitat and Natural Heritage Trust	345
§ 1924.	<i>Repealed</i>	345
§ 1925.	Management	345
CHAPTER 9. HISTORIC ROADS AND SCENIC PARKWAYS		
PART I. THE COTE JOYEUSE (THE JOYOUS COAST)		
§ 1941.	Purpose	345
§ 1942.	Definitions	346
§ 1943.	Route of Cote Joyeuse	346
PART II. THE HIGHLAND ROAD		
§ 1946.	Highland Road; designation	346
§ 1947.	Definitions	347
PART III. LOUISIANA BYWAYS		
§ 1948.1.	Purpose	347
§ 1948.2.	Definitions	347
§ 1948.3.	Criteria	347
§ 1948.4.	Regional development; legislative committee approval	348
§ 1948.5.	Louisiana Byways designations	348
§ 1948.6.	Signage; official state map designation; official logo	354
§ 1948.7.	Exclusions from Louisiana Byway designation	355
PART III-A. LOUISIANA BYWAYS COMMISSION		
§ 1948.11.	Creation of the Louisiana Byways Commission; jurisdiction; purpose	355
§ 1948.12.	Board of commissioners	355
§ 1948.13.	Powers of the commission	356

PART IV. OLD PERKINS ROAD	
§ 1949.	Old Perkins Road; designation 356
§ 1950.	Definitions 357
PART V. LOUISIANA GREAT RIVER ROAD	
§ 1950.1.	Purpose 357
§ 1950.2.	Route of the Louisiana Great River Road 357
PART VI. OLD METAIRIE ROAD BUSINESS AND CULTURAL DISTRICT	
§ 1950.11.	Old Metairie Road Business and Cultural District; designation 359
§ 1950.12.	Definitions 359
§ 1950.13.	Signage 359
CHAPTER 10. LOUISIANA COLONIAL TRAILS	
§ 1951.	Purpose 360
§ 1952.	Definitions 360
§ 1953.	Louisiana Colonial Trails; requirements; designations 360
§ 1954.	Scenic highways; purpose 361
CHAPTER 11. LITTLE RIVER COMMISSION	
§§ 2001 to	
2003.	<i>Repealed</i> 362
CHAPTER 12. FILL SAND AND FILL MATERIAL	
§ 2011.	License to dredge; royalties; exemptions 362
§ 2012.	Violations and penalties; injunctive relief 363
§ 2013.	Revocation of licenses 364
§ 2014.	Emergency cease and desist orders 364
§ 2015.	Mandamus to compel issuance of license 364
CHAPTER 13. TERREBONNE PARISH ARTIFICIAL REEF ACT	
§ 2021.	Title 364
§ 2022.	Purpose 365
§ 2023.	Establishment of standards 365
§ 2024.	Terrebonne Parish Artificial Reef Development Commission 365
§ 2025.	Composition of commission 365
§ 2026.	Commission; officers; meetings; reports 366
§ 2027.	Powers of the commission 366
§ 2028.	Dedication of funds 367
§ 2029.	Tax 367
§ 2030.	Obligations of the district 368
§ 2031.	Securities 369
§ 2032.	Exemption from taxation 369
§ 2033.	General compliances; enhancement 369
§ 2034.	Permitting of artificial reefs 370
§ 2035.	Liability 370
§ 2036.	Unplugged wells 370
§ 2037.	Rules and regulations 370

TITLE 56

WILDLIFE AND FISHERIES

CHAPTER 1. GENERAL PROVISIONS FOR WILDLIFE AND FISHERIES

PART I. WILDLIFE AND FISHERIES COMMISSION

§1. Wildlife and Fisheries Commission established; membership; qualifications; definitions

A. To protect, conserve, and replenish the natural resources of the state, the wildlife of the state, including all aquatic life, is placed under the supervision and control of the Louisiana Wildlife and Fisheries Commission, which is hereby created and established in the executive branch of the state government.

B. The commission shall consist of seven members appointed by the governor, subject to confirmation by the Senate. Six of the members shall each serve for overlapping terms of six years, and one shall serve for a term concurrent with that of the governor.

C. Three members of the commission shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries. The other four shall be electors from the state at large, other than representatives of the commercial fishing and fur industries.

D. The commissioners heretofore appointed under the provisions of Article VI, Section 1 of the Louisiana Constitution of 1921 and presently serving as commissioners, shall continue to serve for the terms for which appointed. Thereafter, any vacancy occurring in the commission by reason of the expiration of the term for which appointed or by reason of death, resignation or otherwise shall be filled by appointment by the governor; however, persons appointed to fill the vacancy created by a retiring or deceased commissioner shall be appointed for the unexpired term of such commissioner only.

E. No person who has served as commissioner for six years or more shall be eligible for reappointment.

F. No commissioner may be a member of the legislature or hold any salaried public office or employment for compensation, other than per diem, existing under or created by the laws of the United States, the state of Louisiana or by any subdivision thereof.

G. No compensation for his services shall be paid to any member of the commission, but each member shall be paid a per diem of twenty-five dollars for each day of meeting and actual expenses incurred in traveling to and from and attending meetings of the commission and in attending to his duties away from his domicile under assignment by the commission.

H. As used throughout this title, unless the context otherwise clearly indicates differently, "director" means the director of the Louisiana Wildlife and Fisheries Commission and "commission" means the Louisiana Wildlife and Fisheries Commission.

Amended by Acts 1974, No. 717, §1; Acts 1975, No. 81, §1.

§2. Supervision and direction of commission; meetings

A. The commission shall have general control, management, supervision, and direction of the Louisiana Wildlife and Fisheries Commission. The commission is a policy-making and budgetary-

control board, with no administrative functions. The commission shall have sole authority to establish definite management programs and policies and to approve and accept all contracts at its discretion. It shall make such studies and investigations as it thinks necessary. It shall formulate the policies and shall determine the wisdom and efficacy of the policies, plans, rules, regulations and proceedings of the commission.

B. No appointed member of the commission may prescribe or direct the conduct of the commission or the action of the director or any subordinate member thereof in any matter or case unless first authorized by the board in a meeting open to the public.

C. The commission shall not take any action except by vote in meeting assembled, all actions shall be included in the minutes.

D.(1) The commission shall hold an open meeting at least once each month. The commission shall annually, at the first meeting in January, elect one of its members as chairman and one of its members as vice chairman. It may hold other meetings at its discretion or on call of its chairman. A majority of the members constitutes a quorum of the commission.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the governor declares a state of emergency pursuant to R.S. 29:721 et seq., the chairman may cancel the monthly meeting. In addition, the secretary may take action through a declaration of emergency on any item scheduled on the agenda of the canceled meeting. Further, the secretary may take any action by a declaration of emergency, necessary for the protection of the fish and wildlife resources. Such actions may remain in effect until seven days following the next commission meeting.

Amended by Acts 1974, No. 717, §1; Acts 1975, No. 81, §1; Acts 2004, No. 297, §1; Acts 2006, No. 205, §1, eff. June 2, 2006.

§3. Ownership of wild birds, quadrupeds, fish, aquatic life, water bottoms, oysters, and shellfish

A. The ownership and title to all wild birds, and wild quadrupeds, fish, other aquatic life, the beds and bottoms of rivers, streams, bayous, lagoons, lakes, bays, sounds, and inlets bordering on or connecting with the Gulf of Mexico within the territory or jurisdiction of the state, including all oysters and other shellfish and parts thereof grown thereon, either naturally or cultivated, and all oysters in the shells after they are caught or taken therefrom, are and remain the property of the state, and shall be under the exclusive control of the Wildlife and Fisheries Commission except as provided in R.S. 56:4.

B. Wild birds, quadrupeds, fish, other aquatic life, and the beds and bottoms of rivers, streams, bayous, lagoons, lakes, bays, sounds, and inlets bordering on or connecting with the Gulf of Mexico, within the territorial jurisdiction of the state, including all oysters and other shellfish and parts thereof grown thereon, either naturally or cultivated, and all oysters in the shells after they are caught or taken therefrom, shall not be taken, sold, or had in possession except as otherwise permitted in this Title; and the title of the state to all such wild birds, quadrupeds, fish, and other aquatic life, even though taken in accordance with the provisions of this Title, and the beds and bottoms of rivers, streams, bayous, lagoons, lakes, bays, sounds, and inlets always remains in the state for the purpose of regulating and controlling the use and disposition thereof.

Acts 1985, No. 876, §3, eff. July 23, 1985.

§4. Authority of Department of Natural Resources over navigable water bottoms

Nothing in this Title and particularly in Section 3 of this Part affects in any way the authority of the Louisiana Department of Natural Resources to lease or otherwise administer the beds and bottoms of navigable rivers, streams, bayous, lagoons, lakes, bays, sounds, and inlets bordering on

or connecting with the Gulf of Mexico within the territory or jurisdiction of the state, as established by law and regulations promulgated thereunder.

Acts 1985, No. 876, §3, eff. July 23, 1985.

§5. General powers and authority

A. The commission, through its director:

(1) May sue and be sued; and

(2) Shall have and exercise all authority and power as was prescribed by law for the prior commissioner of conservation and the commissioner of wildlife and fisheries in relation to the wildlife of the state, including wild game and nongame quadrupeds or animals, game, oysters, fish, and other aquatic life.

B. Any function or authority vested to the prior commissioner of conservation and the commissioner of wildlife and fisheries concerning any of the resources under the jurisdiction of the director of the Wildlife and Fisheries Commission, and all records, equipment, funds, and other assets in relation to such resources, are transferred to the Louisiana Wildlife and Fisheries Commission.

C. The commission shall adopt rules and regulations, in accordance with the Administrative Procedure Act, necessary to protect certain of the state's natural resources other than fish and wildlife, especially such resources as standing trees which are otherwise protected by law but have no specific provision for enforcing such protection.

Amended by Acts 1974, No. 717, §1; Acts 1980, No. 795, §2; Acts 2010, No. 777, §2.

§6. Special powers and duties; statistics; rules and regulations; reports

The commission, through its secretary:

(1) Shall have supervision and control over all employees in every branch of the service, and shall give his entire time to the service and shall employ the unskilled labor and skilled assistance necessary for the efficient operation of the department. He shall also employ scientists certified by the American Fisheries Society or the Wildlife Society to study the life, habits, and productivity of the wildlife of the state, both land and aquatic, however, he may employ special scientists with the relevant master's degrees. These scientists shall make studies, compile the results, and promptly report them to the chief of the division to which the subject matter pertains, so that the recommendations predicated upon them may be made by the chief of the division to the secretary.

(2) Shall receive all necessary expenses when engaged in the discharge of his official duties.

(3) May fix the compensation and pay the expenses of commission employees; however, such expenditures and his salary shall never exceed the revenues available for the use of the commission.

(4) May employ an attorney to represent the commission.

(5) Shall fully represent the commission and discharge all the obligations and duties heretofore devolving upon the three members of the conservation commission, upon the department of conservation, upon the commissioner of conservation and upon the department of wildlife and fisheries with respect to those resources now under the jurisdiction of the director of the Louisiana Wildlife and Fisheries Commission, which replaces these prior offices.

(6) Shall collect, classify, and preserve such data and information as will tend to promote the objects of this Part.

(7) Shall take charge and keep all records, books, papers, and documents which shall, in the discharge of his duties, come into his possession or under his control.

(8) Shall make and execute all contracts and generally do all things necessary to carry out the objects of this Part.

(9) Shall adopt bylaws for the government of the commission and the government of its employees.

(10) Shall for the comprehensive control of birds, shellfish, finfish, and wild quadrupeds, adopt rules and regulations not inconsistent with the provisions of this Part and in accordance with the provisions of the Louisiana Administrative Procedure Act.

(11) Shall examine all accounts and operations of the commission and determine the work to be undertaken.

(12) Shall improve, enlarge, and protect the natural oyster reefs of this state as conditions may warrant, subject to the provisions stipulated in this Part and any other law.

(13) Shall protect and propagate, when possible, all species of birds and game of whatever description, and shall establish preserves and hatcheries to be maintained and operated by the commission.

(14) Shall rigidly enforce all law relative to the bedding, fishing, selling, shipping, and canning of oysters; all law relative to the protection, propagation, and selling of birds and game; all law relative to the protection, propagation, and sale of all species of fish in the state, whether salt water or fresh water fish, shell fish, or fish of any description; and all law relative to diamond-back terrapin and shrimp.

(15) In general, has full power and control over birds and animals, whether they be game or fur-bearing or not; over all fish, whether salt or fresh water fish; over diamond-back terrapin, shrimp, and oysters of this state, found or being within its borders or within any of its waters, whether rivers, lakes, bayous, lagoons, bays, or gulfs.

(16) Shall assist in protecting all lessees of private oyster bedding grounds in the enjoyment of their rights.

(17) Shall assist in the protection of private fish ponds used by individuals to propagate fish.

(18) Shall protect game preserves placed under the control of the state, provided they are used for the propagation of birds and game, or as resting places for birds or game, and shall see that such preserves are properly posted according to law.

(19) Shall, in every possible way, assist in developing the natural resources of the state under his jurisdiction to their fullest proportions.

(20) Shall prepare by the 31st day of December, 1954 and shall maintain on a current basis a complete map showing all leases of water bottoms and natural reefs in the waters of this state, as provided for in R.S. 56:421 through 56:460, and shall include a complete list of all leases theretofore made. This map shall be made in large enough scale and with addenda showing the persons in whose name the leases were granted, the exact locations of said leases, and the exact amount of acreage of said leases.

(21) Shall, in order to facilitate the distribution of recreational fishing, hunting, and trapping licenses and permits, as provided for in this Chapter, and the distribution of certificates of number and other registration certificates as provided in R.S. 34:851.1 et seq., be hereby authorized to designate and consign to special licensing or certificate agents, the issuance of such licenses, permits, certificates, and the collection of fees therefor. Such special licensing or certificate agents may include individuals, associations, corporations, and partnerships. The secretary is hereby specifically authorized to enter into agreements with special licensing or certificate agents which agreements would permit the retention by a licensing agent of a portion of the license fee proceeds collected either on a percentage basis or a per transaction basis, and by certificate agents on a per

transaction basis only. All special licensing or certificate agents, so designated, shall make returns of fees collected in accordance with conditions and terms determined and fixed by the commission.

(22) The commission shall prohibit the discharge of brine from salt domes which are located on the coastline of Louisiana and the Gulf of Mexico and other petroleum wastes into any waters off said coastline and extending therefrom three miles or more into the Gulf of Mexico when it becomes evident that said discharge is damaging or threatens to damage the aquatic life in the waters of the state. The commission may require that any brine disposal be monitored in accordance with rules and regulations promulgated by the commission.

(23) Is authorized, on behalf of the department and the state of Louisiana, to acquire land in any wilderness area in the state of Louisiana from a willing seller at a price agreed upon by the secretary and the landowner. The secretary of the Department of Wildlife and Fisheries, on behalf of the department and the state of Louisiana, is authorized to execute such documents as are necessary to properly effectuate the acquisition of property described herein.

(24) Shall promulgate rules and regulations for the regulation of the dredging of fill sand and fill material, to effectuate the provisions of Chapter 12 of this Title.

(25)(a) Shall promulgate rules and regulations, subject to the provisions of the Administrative Procedure Act, to set seasons, times, places, size limits, quotas, daily take, and possession limits, based upon biological and technical data, for all wildlife and fish. Any such rule or regulation shall have as its objective the sound conservation, preservation, replenishment, and management of that species for maximum continuing social and economic benefit to the state without overfishing that causes short-term or long-term biological damage to any species, and regarding all species of fish, without overfishing that leads to such damage. Any season, time, place, size, quota, daily take or possession limit currently set by law shall be superseded upon promulgation by the commission of new rules and regulations concerning a particular species. Aquaculturally raised fish, as defined by R.S. 56:356, shall be exempt from the provisions of this Section. Penalties for violation of rules and regulations set by the commission pursuant to this Section shall be established by law. The authority to determine game fish or commercial status of a particular species shall be retained by the legislature.

(b) The provisions of this Section shall not amend, supercede, or repeal any other provision of the law pertaining to "Fish" (noun) as defined in R.S. 56:8.

(26)(a) Notwithstanding any other law to the contrary, the secretary shall, after notification by the department to the applicant that the application is complete, grant or deny all applications for permits, licenses, registrations, or compliance schedules relating to oil and gas wells and pipelines within sixty days. The notification of completeness shall be issued within fourteen days, exclusive of holidays, by the department. If the application is not complete the department shall notify the applicant in writing of the deficiencies which cause the application not to be complete. If the secretary does not grant the application, he shall provide written reasons for his decision to deny, and copies of the decision shall be provided to all parties. The secretary may delegate the power to grant permits, licenses, registrations, variances or compliance schedules to an assistant.

(b) If the secretary does not grant or deny the application within the time period provided for herein, the applicant may file a rule as provided for in R.S. 49:962.1.

(27) *Repealed by Acts 1995, No. 1316, §3.*

(28) May in accordance with law impose, by rule promulgated in accordance with the Administrative Procedure Act, a fee for nonresident recreational hunting licenses and nonresident recreational fishing licenses. The nonresident recreational hunting licenses shall be those nonresident licenses and the nonresident stamps authorized by Subpart A and Subpart A-1 of Part

IV of this Chapter. The nonresident recreational fishing licenses shall be those nonresident licenses authorized by Subpart B of Part VI of this Chapter.

(29) May provide for a program of dissemination of wildlife and fisheries information and education in the state of Louisiana.

(30) Shall promulgate rules and regulations to control the importation and private possession of nonindigenous constrictors in excess of twelve feet in length, venomous snakes, and nonhuman primates. The rules shall provide exceptions for animal sanctuaries, zoos, aquariums, wildlife research centers, scientific organizations, and medical research facilities, including but not limited to the University of Louisiana at Lafayette Primate Center and the Tulane National Primate Research Center. Such rules shall address internet purchase of such animals. Such rules shall also provide for permits for certain institutions and for owners who can prove ownership prior to July 1, 2003.

(31) Shall promulgate rules and regulations to control the importation and private possession of big exotic cats including but not limited to tigers, lions, leopards, jaguars, cheetahs, and hybrids resulting from cross-breeding of such cats. The rules shall provide exceptions for big cats traditionally kept by colleges and universities as school mascots, animal sanctuaries, zoos, wildlife research centers, and scientific organizations. Such rules shall address Internet purchase of such animals. Such rules shall also provide for permits for certain institutions and for owners who can prove previous ownership. Violation of rules and regulations adopted pursuant to the provisions of this Paragraph constitutes a class two violation punishable as provided in R.S. 56:32.

(32) Upon request of a lake commission, a fish and game commission, or a watershed district, may adopt regulations applicable to the use of yo-yo or trigger device fishing gear in a specific waterbody. When adopted by the commission, the regulations shall be uniform in their application to waterbodies subject to the regulations and shall provide that:

(a) The use of yo-yos or trigger devices shall be governed by the following terms:

(i) No more than fifty yo-yos or trigger devices shall be allowed per person.

(ii) Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, each yo-yo or trigger device shall be clearly tagged with the name, address, and telephone number of the owner or user.

(iii) When in use, each yo-yo or trigger device shall be checked at least once every twenty-four hours, and all fish, and any other animal caught or hooked, shall be immediately removed from the device.

(iv) Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, each yo-yo or trigger device must be rebaited at least once every twenty-four hours.

(v) Except for those metal objects located above the water that are affixed to a private pier, dock, houseboat, or other manmade structure which is designed for fishing, no yo-yo or trigger device shall be attached to any metal object.

(vi) Except for a metal object used strictly in the construction of a pier, boathouse, seawall, or dock, no metal object which is driven into the lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo or trigger device.

(vii) Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, when not being used in accordance with the provisions of this Paragraph, each yo-yo or trigger device shall be removed from the waterbody immediately.

(b) The use of trotlines shall be governed by the following terms:

(i) All trotlines shall be clearly tagged with the name, address, and phone number of the owner or user and the date of placement. The trotline shall be marked on each end with a floating object that is readily visible.

(ii) At any given time, no person shall set more than three trotlines with a maximum of fifty hooks each.

(iii) All trotlines shall have an eight-foot cotton leader on each end of the trotline.

(iv) Except for those metal objects located above the water that are affixed to a private pier, dock, houseboat, or other manmade structure which is designed for fishing, no trotline shall be attached to any metallic object.

(v) Each trotline shall be attended daily when in service.

(vi) When not in use, each trotline shall be removed from the waterbody by the owner or user.

(c) A violation of any of the provisions of this Paragraph shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of this Paragraph shall be immediately seized by and forfeited to the department.

(33)(a) Upon request of a water conservation district, may adopt regulations applicable to the use of jugs or float fishing gear in a specific water body. If adopted by the commission, the regulations shall be uniform in their application to water bodies subject to the regulations and shall provide for the opening and closing dates for the use of such gear.

(b) A violation of any regulations adopted by the commission pursuant to this Paragraph shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of this Paragraph shall be immediately seized by and forfeited to the department.

Added by Acts 1954, No. 581, §1. Amended by Acts 1974, No. 717, §1; Acts 1975, No. 244, §1; Acts 1979, No. 527, §1; Acts 1981, No. 787, §1; eff. until June 30, 1982; Acts 1982, No. 418, §1; Acts 1982, No. 621, §1; Acts 1986, No. 845, §1; Acts 1989, No. 240, §1, eff. June 26, 1989; Acts 1989, No. 830, §1; Acts 1990, No. 376, §1; Acts 1990, No. 996, §4; Acts 1991, No. 157, §1, eff. July 2, 1991; Acts 1991, No. 708, §1; Acts 1991, No. 828, §3; Acts 1993, No. 754, §1; Acts 1995, No. 1316, §3; Acts 1998, 1st Ex. Sess., No. 31, §2, eff. April 24, 1998; Acts 1998, 1st Ex. Sess., No. 164, §2, eff. Sept. 21, 1998; Acts 2003, No. 1221, §1; Acts 2005, No. 133, §3, eff. June 22, 2005; Acts 2006, No. 715, §1; Acts 2010, No. 631, §1; Acts 2010, No. 777, §2.

§6.1. Emergency closure of hunting or fishing seasons; rules and regulations; prohibitions; penalties

A. The secretary, in an emergency, may close an area to the hunting or taking of wildlife or may restrict the hunting or taking of wildlife in a designated area in any manner deemed advisable. In addition, in an emergency, the secretary may declare a closed season on any or all species of fish found or existing in the waters of the state or may restrict fishing in the closed season in any manner deemed advisable. Such closure shall be for a period of time not to extend beyond the seventh day following the next meeting of the commission.

B. Any such closure shall be made by an order issued by the secretary in the same manner as the issuance of an emergency rule as provided in R.S. 49:953(B). The closure order authorized in this Section shall include a description of the area subject to the closure, indication of the species of fish or wildlife covered by such order, and the reasons for the closure. In addition, the order may include restrictions on hunting or fishing times, bag or creel limits, and harvest restrictions and may alter season opening and closing dates. Upon the issuance of any such order, the possession, sale, barter, trade, or exchange of, or the attempt to possess, sell, barter, trade, or exchange, any species of fish or wildlife contrary to the provisions of the order is prohibited.

C. Violation of any closure order authorized by this Section constitutes a class three violation.

Acts 1986, No. 434, §1; Acts 1992, No. 966, §1; Acts 2006, No. 399, §1, eff. June 15, 2006.

§6.2. Advisory committees

A. The secretary of the Department of Wildlife and Fisheries is authorized to adopt rules to govern the procedures of advisory committees created in or for the department. Such rules shall be adopted no later than January 1, 1994, and shall be adopted in accordance with the Administrative Procedure Act.

B. Procedures that may be adopted by rule shall include but not be limited to the following:

(1) A requirement that a majority of the members duly appointed shall constitute a quorum and that no action may be taken without a quorum present and voting.

(2) A prohibition on voting by proxy or the designation of proxies.

(3) Provisions for the removal of any member of the advisory committee for cause by the secretary of the department.

(4) A provision that the chairman of an advisory committee shall be elected from among the duly appointed members and shall serve a term of no more than one year.

C. The secretary may remove any member of an advisory committee for cause as provided in the rules of procedure authorized to be adopted by this Section.

D. For the purposes of this Section, an advisory committee shall include any board, committee, or task force, consisting primarily of persons who are not employed by the department or the commission, that has been created by law, resolution, executive order, or otherwise for the purpose of advising the department or the commission regarding matters within their jurisdiction.

Acts 1993, No. 143, §1.

§7. Domicile of commission; service of process; suits; parties

A.(1) The domicile of the Louisiana Wildlife and Fisheries Commission is and shall be in Baton Rouge, Louisiana. However, the Seafood Division, within the Department of Wildlife and Fisheries, shall remain located in the city of New Orleans.

(2) Service of citation and other process directed to the commission shall be made by handing the citation or other process to the secretary of the Louisiana Department of Wildlife and Fisheries. All suits in its behalf shall be brought in the name of the Louisiana Wildlife and Fisheries Commission.

B. Any person in interest who feels aggrieved by any rule, regulation, or other action adopted by the Louisiana Wildlife and Fisheries Commission, including an action by one who seeks the closure or modification of any hunting season in any part of the state, may test its legality in a court of competent jurisdiction at the domicile of the commission.

Amended by Acts 1958, No. 132, §1; Acts 1974, No. 717, §1; Acts 1984, No. 179, §1; Acts 1988, No. 239, §1.

§8. Definitions

For purposes of this Chapter, the following words and phrases have the meaning ascribed to them in this Section, unless the context clearly shows a different meaning:

(1) "Administrator" means the secretary of the Department of Wildlife and Fisheries.

(2) "Agriculture or agricultural pursuit" means the cultivation, growing, harvesting, or marketing of domesticated fish.

(3) "Alien individual" means any person who is neither a United States citizen nor a resident alien, or any corporation or other legal entity which is organized and domiciled in any country other than the United States.

(4) "Alligator farm" means an enclosed area, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters and meeting other specifications prescribed by the department, where alligators are bred and raised under controlled conditions. Alligator farm also includes an alligator ranch wherein eggs are collected from the wild, artificially incubated and raised, pursuant to department license or permit.

(5) "Alligator farmer" means a person who raises alligators under controlled conditions which prohibit free movement of the animals onto and off of the farm or controlled area, and who may harvest alligators under the supervision of the department.

(6) "Alligator hunter" means a resident or nonresident person who takes wild alligators.

(7) "Alligator part" means any part of the carcass of an alligator, except the hide and includes the bony dorsum plates, if detached from the tagged alligator hide.

(8) "Alligator parts dealer" means any person who deals in alligator parts other than hides and who either:

(a) Buys unprocessed alligator parts from an alligator hunter, another alligator parts dealer, or an alligator farmer for the purpose of resale.

(b) Manufactures within the state nonedible alligator parts into a finished product.

(c) Purchases, cans, unprocessed alligator meat or processes alligator meat for wholesale or retail sale.*

(9) "Alligator parts retailer" means a properly licensed person who purchases for retail sale finished alligator parts made from parts other than hides.

(10) "Angle" means to fish with rod, fishing pole, or hook and line, with or without a reel.

(11) "Antlers" means hardened boney material having no velvet, broken naturally through skin.

(12) "Bait species" means all species of fish and other aquatic life utilized for bait.

(13) "Bandit gear" means vertical hook-and-line gear with rods attached to a vessel and with line retrieved by manual, electric, or hydraulic reels.

(14) "Beam Trawl" means a funnel shaped net the mouth of which is held open by a beam, or by some stationary fixture, while it is being fished.

(15) "Board of Trustees" as applies to Part XI only, means the board of trustees of the Louisiana State Employees' Retirement System created and provided for by Chapter 10 of Title 42 of the Louisiana Revised Statutes of 1950.

(16)(a) "Bona fide resident" means any person who is a United States citizen or resident alien and has resided in this state continuously during the twelve months immediately prior to the date on which he applies for any license and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile, as demonstrated by compliance with all of the following, as applicable:

(i) If registered to vote, he is registered to vote in Louisiana.

(ii) If licensed to drive a motor vehicle, he is in possession of a Louisiana driver's license, or, if over the age of fifteen years and not licensed to drive, he is in possession of a special identification card issued by the Department of Public Safety and Corrections under the provisions of R.S. 40:1321.

(iii) If owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle.

(iv) If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

(b) As to a corporation or other legal entity, a resident shall be any which is incorporated or otherwise organized under and subject to the laws of Louisiana, and which is domiciled in Louisiana and has a permanent physical location of business in Louisiana where records are held in compliance with R.S. 56:306.4.

(c) Any person, corporation, or other legal entity which possesses a resident license from any other state or country shall not qualify for a resident license in Louisiana.

(17) "Butterfly net" means a fixed, frame-mounted net, used to fish the near-surface waters, which is suspended from the side or sides of a boat, pilings, floats, rafts, or shore installation.

(18) "Can" means a metal container of not more than fifty-five gallon capacity which is set for the purpose of taking fish.

(19) "Cast net" means a light circular net of vegetable or synthetic materials and weighted around its perimeter that is thrown by hand over the water.

(20) "Channelization" means the practice of changing a natural stream or segment thereof, into a man-made ditch or canal with channels of a relatively uniform width and depth usually necessitating the removal of trees and other woody vegetation adjacent to the stream and constructed for the purpose of accelerating runoff.

(21) "Channel realignment" means the practice by which dredging, ditching, or other means are used to shorten or reroute the natural stream course.

(22) "Charter boat fishing guide" means any person who operates a vessel for hire and derives income from the bringing of recreational fishermen upon waters within the state for the purpose of taking fish.

(23) "Clearing and snagging" means the practice of removing most obstructions, trees, snags, and other impediments that retard the natural stream flow.

(24) "Closed season" means that period of time of a calendar year not specifically included in the open season.

(25) "Cold storage plant" means and includes all ice houses, ice storage houses, quick freeze plants, or similar establishments, or any place where payment is accepted for storage of wild birds and wild quadrupeds.

(26) "Commercial fish" means all freshwater commercial fish and saltwater commercial fish found in the waters of the state.

(27) "Commercial fisherman" means any person who derives income from the harvesting of fish. "Income" as used herein shall not include a prize or award offered as a prize in a fishing tournament. (See also nonresident commercial fisherman.)

(28) "Commission" means the Louisiana Wildlife and Fisheries Commission.

(29) "Common carrier" means any agency or person transporting passengers or property of any description for hire.

(30) "Confiscation" means the exercise of a right under the police power wherein property is seized and held pending court order if the seized material is nonperishable, or disposed of without judicial intervention if perishable.

(31) "Consumer" means patrons of restaurants and other places where alligator, fish, shrimp, or other aquatic life is prepared for human consumption; or any person using alligator, fish, shrimp, or other aquatic life for bait or personal consumption.

(32) "Consumer-menhaden and other herring-like fishes" means manufacturing plants, warehouses, and other places where menhaden or other herring-like fishes including meal, oil, solubles, or scrap derived, are conveyed after sale.

(33) "Crab" means a blue crab (*Callinectes sapidus*).

(34) "Crab dropnet" means any device constructed with vegetable, synthetic, or metal fibers and without flues or throat, attached to a wire frame that forms a net basket and is used for the purpose of taking crabs. This device shall be operated solely by hand and fished in a stationary, passive manner.

(35)(a) "Crab trap" means a cube-shaped device which is constructed of wire and is no larger than thirty inches on any side with entrance funnels extending no further than seven inches into the inside of the trap and either a bait box or materials providing cover or shelter for peeler crabs, which is used for the sole purpose of taking crabs or stone crabs. This device shall be fished in a stationary, passive manner with the openings to the entrance funnels such that the horizontal diameter of each opening on the vertical wall of the trap is at least one and one-half times the vertical diameter of the opening.

(b) "Serviceable crab trap" means any crab trap of legal construction and condition maintained in such a manner with the potential to harvest crabs. Except as provided in R.S. 56:320(B)(3), maintained condition shall include being legally tagged, legally marked with float and float line attached and two escapement rings affixed whether obstructed or not.

(c) "Unserviceable crab trap" shall mean any crab trap which is not a serviceable crab trap.

(36) "Crawfish farmer" means a person who farms or cultivates crawfish commercially in private ponds.

(37) "Crawfish harvester" means a person who harvests wild crawfish commercially without participating in the growing of the crawfish.

(38) "Crawfish net" means any device constructed with vegetable or synthetic material without flues or throats attached to a wire frame that forms a net basket and is used for the purpose of taking crawfish.

(39) "Crawfish trap" means any device constructed of coated wire with the opening of the throats or flues not exceeding two inches and which is used for the sole purpose of taking crawfish. The minimum mesh size for crawfish traps shall be in accordance with R.S. 56:322(I).

(40) "Cultivated crop" means domesticated fish which are grown, managed, or harvested on an annual, semiannual, biennial, or short-interval basis.

(41) "Department" means the Department of Wildlife and Fisheries.

(42) "Dip net" means a net, usually a deep mesh bag of vegetable or synthetic materials, on a fixed frame attached to a handle and held and worked exclusively by hand and by no more than one individual.

(43) "Domesticated fish" means any fish approved by the department through promulgation under the Administrative Procedure Act of a list of approved aquatic organisms that are spawned and grown, managed, harvested, and marketed on an annual, semiannual, biennial, or short-term basis, in privately owned waters.

(44) "Dressing, dressed skins, or dressed furs" - (See "Tanning").*

(45) "Edible fish" includes all commercial fish found in the waters of the state which are eaten as table food in the United States or abroad, including but not limited to sea bass, buffalo fish, catfish, crab, mullet, oyster, paddlefish, pompano, red drum, sheepshead, shrimp, spotted sea trout, white trout, gray trout, croaker, black drum, mackerel, shark, eel, and tuna.

(46) "Eel pot" means any device not to exceed forty-eight inches in length and with an outside mesh size not smaller than one-half inch, constructed with throats or flues not larger than three inches in diameter at their narrowest point and not larger than five inches in diameter at their widest point, and which is used solely for the purpose of taking eel. No lead or wing shall be connected to

or used in conjunction with any eel pot. Any fish other than eel taken in this gear must be immediately returned unharmed to the water.

(47) "Employee" as applies only to Part XI, means those wildlife agents of the enforcement division of the Louisiana Department of Wildlife and Fisheries who are members of the Louisiana State Employees' Retirement System and shall not include any other members of said retirement system or members of any other retirement system to which the state makes contribution or otherwise. (See "Member".)

(48) "Falconry" means the sport of training raptors or taking of wild birds or wild quadrupeds by means of a trained raptor, except eagles, Falconidae, or great horned owl.

(49) "Federal Fishery Conservation Zone", "federal exclusive economic zone", or "EEZ" means that area which falls within a line conterminous with the seaward boundary of each of the coastal states and a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured.

(50) "Finfish" (noun) means any of numerous cold-blooded aquatic vertebrates that characteristically swim with fins, breathe with gills, and are covered with skin or scales.

(51) "Finished alligator part" means any nonedible alligator part that has been completely processed from parts other than hides for retail sale.

(52) "Fish" (noun) means all finfish, shellfish, and crustaceans, and all other species of aquatic life.

(53) "Fish" (verb) means to take or attempt to take fish by any method approved by the commission for recreational purposes or for commercial purposes.

(54) "Fish dealer--retail" means persons excluding restaurants, purchasing fish or seafood whether whole, dressed, or fresh frozen for sale within the state to the consumer only.

(55) "Fish dealer--wholesale" means persons purchasing fresh or frozen fish for resale to dealers or to ship out of state.

(56) "Fisherman" means any person who fishes or attempts to fish within or under the jurisdiction of the laws or regulations of the state of Louisiana.

(57) "Fishing gear" means (a) any vessel and (b) any equipment, whether or not attached to a vessel which is used in the commercial handling or harvesting of living marine resources.

(58) "Freshwater commercial fish" means any species of freshwater fish taken by a commercial fisherman. Freshwater commercial fish does not include any species of game fish.

(59) "Freshwater recreational fish" means any species of freshwater fish taken for recreational purposes.

(60) "Fur animal (nongame quadruped) farm" means any operation involved with the breeding, propagation, or exhibition of fur animals and meeting with commission specifications.

(61) "Fur animal (nongame quadruped) farmer" means a resident who breeds and raises fur animals for exhibition and/or commercial purposes.

(62) "Furbearing animal" means any of the following nongame quadrupeds: beaver, bobcat, coyote, gray fox, red fox, mink, muskrat, nutria, opossum, otter, raccoon, and skunk.

(63) "Fur buyer" means anyone who buys whole nongame quadrupeds for the purpose of pelting, carcasses of furbearing animals, raw furs or skins from fur trappers, alligator hunters, alligator farmers, fur buyers, or fur dealers and who sells to another fur buyer or fur dealer within the confines of the state or to a nonresident fur dealer in interstate commerce, or who acts as an agent of another fur buyer or fur dealer in this state in such purchase or sale. Fur buyers are divided into

two classes, resident and nonresident. Resident buyers are those who are bona fide residents of this state. All others are nonresident buyers.

(64) "Fur dealer" means anyone who deals in whole nongame quadrupeds for the purpose of pelting, carcasses of furbearing animals, raw furs, and skins and who either:

(a) Buys from a fur trapper, alligator farmer, or alligator hunter, either directly or indirectly, and ships or exports from this state, either directly or indirectly, the raw furs and skins so bought.

(b) Buys from a fur buyer or other fur dealer and exports from this state the raw furs and skins so bought.

(c) Buys from a fur trapper, alligator hunter, alligator farmer, fur buyer, or other dealer and sells such raw furs and skins for manufacturing into a finished product in this state.

(d) Manufactures such furs and skins into a finished product in this state, buying directly from a fur trapper, alligator hunter, alligator farmer, fur buyer, or fur dealer.

(e) Transports raw furs or skins into this state for the purpose of sale within the state. Fur dealers are divided into two classes, resident and nonresident. Resident dealers are those who are bona fide residents of this state. All others are nonresident dealers.

(f) Converts raw alligator skins through the tanning process into finished or partially finished leather and/or converts raw (green or dried) fur pelts into dressed furs ready for manufacturing.

(65) "Fur trapper" means any person who takes or attempts to take any nongame quadruped, except alligators, or a person who sets or runs traps of any type to catch such nongame quadrupeds during the open trapping season. Fur trappers are divided into two classes, resident and nonresident. Resident trappers are those who are bona fide residents of this state. All others are nonresident trappers.

(66) "Fyke net" means any cone-shaped net of vegetable or synthetic fibers having throats or flues which is stretched over a series of rings or hoops to support the webbing, with vertical panels of net wings set obliquely on one or both sides of the mouth of the cone-shaped net.

(67) "Game fish" means all of the following species of freshwater and saltwater fish:

(a) Freshwater game fish means largemouth bass (*Micropterus salmoides*), spotted bass (*Micropterus punctulatus*), shadow bass (*Ambloplites ariommus*), black or white crappie (*Pomoxis nigromaculatus*, *P. annularis*), white bass (*Morone chrysops*), yellow bass (*Morone mississippiensi*), striped bass (*Morone saxatilis*), hybrid striped bass (striped bass-white bass cross or striped bass-yellow bass cross), and any species of bream (*Lepomis sp.*).

(b) Saltwater game fish means any sailfish (*Istiopharus platypterus*), blue marlin (*Makaira indica*), black marlin (*Makaira nigricans*), striped marlin (*Tetrapturus audax*), hatchet marlin (*Tetrapturus spp.*), white marlin (*Tetrapturus albidus*), and red drum (*Sciaenops ocellatus*).

(68) "Gill net" means any net, of one or more layers, not customarily used for shrimp or menhaden fishing, with a mesh of such size and design as to be used primarily to catch or entangle fish by the gills or other boney projections.

(69) "Hook" means any curved or bent device attached to a line for the purpose of taking fish or alligator and consisting of not more than one eye and one shank with no more than three barbs.

(70) "Hoop net" means a cone-shaped net of vegetable or synthetic materials having throats or flues and which is stretched over a series of rings or hoops to support the webbing.

(71) "Hunt" means, in different tenses, attempting to take.

(72) "Hunter orange" means a daylight fluorescent orange color.

(73) "Instantaneous natural and scenic rivers" means those rivers, streams, or bayous, or segments thereof, included in the Louisiana Natural and Scenic Rivers System at its inception.

(74) "Landing net" means a net, usually a mesh bag of vegetable or synthetic material on a fixed frame attached to a handle, held and operated by hand for the sole purpose of assisting in the landing of a fish legally caught by other legal gear.

(75) "Lead or wing net" means a panel of netting of any mesh size or length, with or without weights and floats attached to one or both sides of the mouth of a cone-shaped net having flues or throats, and set so as to deflect or guide fish toward the mouth of the net.

(76) "Length of net (seines, trammel nets, gill nets, trawls, or other netting)" means the full measure of the extended net as in use or in possession on the fishing grounds, when measured along the cork line between the points where the webbing is attached to the rope at either end and does not include the additional rope used for pulling the net or attaching it to the arm-poles or trawl boards.

(77) "Licensee" means any resident or nonresident lawful holder of an effective license duly issued under the authority of the department.

(78)(a) "License number" means the unique alphanumeric number which appears on and identifies a particular license or permit.

(b) "Effective license number" means the unique alphanumeric number issued by the department in connection with the electronic purchase of a license or permit which, together with a form of picture identification specified by department rule, will entitle the holder to engage in the activity for which the license or permit was issued during the time period specified by department rule.

(79) "Livestock" includes domesticated fish which are grown, managed, harvested, or marketed as a cultivated crop.

(80) "Longline gear" means a line which is over four hundred forty yards long to which gangions and hooks are attached that is deployed horizontally and which may be retrieved by an electric or hydraulic hauler. Longline gear shall not mean a trotline as defined in Paragraph (101) of this Section.

(81) "Member" (See "Employee").

(82) "Menhaden seine" means a purse seine used to take menhaden and herring-like species.

(83) "Mesh size" means the full measure of the mesh as found in use when measured as follows: Bar measure is the length of the full bar stretched from the near side of one knot to the far side of the other after being tarred, treated, or otherwise processed. Stretched measure is the full stretched distance from the near side of one knot to the far side of the opposite knot diagonally across the mesh. This measurement shall not be applicable to weaved or woven nets commonly used for menhaden fishing. In woven nets, stretched measure is the full stretched distance of the opening of the mesh; bar measure is one-half of stretched measure.

(84) "Migratory waterfowl" means all species of wild ducks, geese, and coots.

(85) "Minnow trap" means any device with throats or flues not to exceed one inch in width which is used for the sole purpose of taking minnows for bait.

(86) "Monofilament" means a single untwisted synthetic filament.

(87) "Mullet strike net" means a gill net that is not more than one thousand two hundred feet in length nor has a mesh size of not less than three and one-half inches stretched and is not anchored or secured to the water bottom or shore and which is actively worked while being used. A mullet strike net shall not be an unattended net as defined in this Section.

(88) "Natural and scenic river" means a river, stream, or bayou, or segment thereof, that is in a free-flowing condition, that has not been channelized, cleared, and snagged within the past twenty-five years, realigned, inundated, or otherwise altered and has a shoreline covered by native

vegetation and has no or few man-made structures along its banks. (See "instantaneous natural and scenic rivers".)

(89) "Nongame quadruped" means alligators, beavers, bobcats, coyotes, gray foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks, and other wild quadrupeds valuable for their skins or furs.

(90) "Nonresident" means any person who is not a bona fide resident as that term is defined in this Section. For the purpose of obtaining any type of commercial license within Part VI of Chapter 1 herein, a nonresident shall be a United States citizen or resident alien residing in another state or territory of the United States.

(91) "Nonresident commercial fishing boat" means any boat or vessel registered in any state, or which has not continually been registered in this state for a period of more than twelve months, or which is not owned by any person who is a bona fide resident, and which is used for the purpose of taking or assisting in taking or catching fish from the waters of this state for pay or for the purpose of sale, barter, or exchange.

(92) "Open season" means that period of time between two specific dates, the first and last days inclusive, during which wild birds, wild quadrupeds, and fish may be lawfully taken for either recreational or commercial purposes.

(93) "Optimum" with respect to the yield from a fishery, means the amount of fish:

(a) Which will provide the greatest overall benefit to the state, on a continuing basis, with particular reference to food production and recreational opportunities.

(b) Which is prescribed as such on the basis of the maximum sustainable yield from such fishery, as modified by any relevant economic, social, or ecological factor.

(94) "Overfished" means a stock of insufficient size or characteristics that prevents fishing at optimum yield on a continuing basis.

(95) "Overfishing" means fishing at a rate that will lead to an overfished stock, or fishing an overfished stock at a rate that is in excess of a plan to rebuild the stock, or in the absence of a plan, fishing an overfished stock at a rate that prevents rebuilding the stock at a rate that is both biologically and economically sound.

(96) "Paratrawling" is the fishing with a net by affixing a net to or holding a net from two or more vessels so as to pull the net between or behind the vessels.

(97) "Pelt" means the skin or hide of a quadruped.

(98) "Pelting" means removing the skin and fur of a quadruped in such manner as to render it marketable.

(99) "Person" includes any individual person, association, corporation, partnership, or other legal entity recognized by law.

(100) "Pompano strike net" means a gill net that is not more than one thousand two hundred feet in length nor has a mesh size of not less than five inches stretched and is not anchored or secured to the water bottom or shore and which is actively worked while being used. A mullet strike net shall not be an unattended net as defined in this Section.

(101) "Possess" means, in its different tenses, the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or as agent, bailee, or custodian for another. When possession of fish or other wildlife is prohibited, reference is made equally to such fish or other wildlife coming from without the state as to those taken within the state.

(102) "Practicable" means capable of being done or executed in a sensible, worthwhile, and economically feasible manner.

(103) "Privately owned waters" means artificial reservoirs or enclosures located on privately owned property which are constructed so as to prevent at all times the ingress and egress of fish life from public waters; such reservoirs or enclosures located on privately owned property shall not include lands of natural streams or natural lake beds.

(104) "Private pond" for the purposes of the production and harvesting of aquatic livestock as defined in R.S. 56:411(B)(2) means a body of water which is: privately owned; and in which aquatic livestock as defined in R.S. 56:411(B)(2) are bred and raised under controlled conditions, or for which persons other than the owner may be required to pay a fee to the owner to fish in such body of water. The provisions of this Paragraph shall not be deemed to authorize or require the charging of a fee to fish by an owner of a private pond.

(105) "Processing" means any method of preparing fish or fish products, or wild quadrupeds for market as described herein: drying to a point of dehydration, canning, salting, packing or packaging of alligators or parts, breeding, and cooking for immediate consumption, but not simple packing of fresh fish in a sack, bag, package, crate, box, lug, or vat.

(106) "Propodus", or claw, means the forearm of the first leg of the stone crab and is measured from the immovable anterior-most tip of the claw to the base of the joint.

(107) "Purse seine" means any net or device commonly known as a purse seine and/or ring net that can be pursed or closed by means of a drawstring or other device that can be drawn to close the bottom of the net, or the top of the net, or both. Such nets are constructed of mesh of such size and design as not to be used primarily to entangle commercial-size fish by the gills or other bony projection.

(108) "Raptor" means a live migratory bird which is a member of the Accipitridae, except the bald eagle; or Falconidae; or a great horned owl.

(109) "Recreational purpose" means a purpose other than deriving or attempting to derive an income of any kind from the harvest of fish. "Income" as used herein shall not include a prize or award offered as a prize in a fishing tournament.

(110) "Resident" (See "Bona fide resident").

(111) "Saltwater commercial fish" means any species of saltwater fish taken for commercial purposes. Saltwater commercial fish does not include any species of game fish.

(112) "Saltwater fish" means all species of finfishes which normally inhabit the saline waters of the marine and estuarine environment for most of their life cycle.

(113) "Saltwater recreational fish" means any species of saltwater fish taken for recreational purposes.

(114)(a) "Saltwater shrimp" means all species of shrimp of commercial or economic value found in the coastal waters of the state and in the Gulf of Mexico contiguous to the Louisiana coast, including the white shrimp or "common saltwater shrimp" (*Litopenaeus setiferus*), also called the "lake shrimp"; the brown shrimp (*Farfantepenaeus aztecus*); the pink shrimp (*Farfantepenaeus duorarum*); the "sea bob" (*Xiphopenaeus kroyeri*), also called "six barbes"; and any other shrimp or like species which may be taken from coastal waters or sold through commercial channels.

(b) "Freshwater shrimp" means the common river shrimp (*Macrobrachium ohione*) and the delta river shrimp (*Macrobrachium acanthurus*).

(115) "Scenic easement" means a contract between the adjacent riparian landowner and the system administrator which shall be in the nature of a development agreement for the purpose of preserving the natural state of the landscape through mutual agreement on the activities which might affect the natural landscape.

(116) "Seaward" means in the direction of the nearest sea.

(117) "Secretary" means the secretary of the Department of Wildlife and Fisheries.

(118) "Seine" means any net used to enclose or entrap fish either in a bag or where its ends are pulled together on a vessel or a shore and constructed with a mesh of such size and design as not to be used primarily to ensnare or entangle commercial size fish by the gill or other boney projections. (See "Purse seine".).

(119) "Seizure" means the temporary taking of a thing. (See "Confiscation".).

(120) "Shellfish" means an aquatic, invertebrate species having a shell. These species include, but are not limited to, oysters, clams, crayfish, shrimp, crabs, and other mollusks and crustaceans.

(121) "Shoreline" means the shoreline in coastal waters which shall be the same line as described in R.S. 56:495.

(122) "Skimmer nets" means a net attached on two sides to a triangular frame and suspended from or attached to the sides of a boat, with one corner attached to the side of the boat and one corner resting on the waterbottom. A ski and one end of the lead line are attached to the corner of the frame that rests on the waterbottom and the other end of the lead line attached to a weight which is suspended from the bow of the boat.

(123) "Slat trap" means any device, used solely for the capture of catfish, which is cylindrical, rectangular, or square in cross section configuration, constructed of slats forming the length of the trap, with at least one pair of slats spaced at least one inch apart from each other on at least three sides of the trap; and which is no more than six feet in length, two feet in diameter or width; and which has one or more cone-shaped throats, flues, or entrances.

(124) "Standard .22 caliber rimfire" means any rimfire .22 caliber, including short or long, long rifle, or .22 magnum. Standard .22 caliber rimfire does not include any .22 centerfire.

(125) "Stock" and "unit of fish" mean an individual species of fish and "interrelated stocks" means a group of species that for whatever reason tend to be harvested simultaneously by a single type of fishing gear.

(126) "Stone crab" means the western gulf stone crab (*Menippe adina*).

(127)(a) "Strike net" means any gill net, trammel net, or seine net not anchored or secured to the water bottom or shore and which is actively worked while being used.

(b) "Strike fishing" means that the school of fish is visible from the surface and the strike net is placed around the school.

(128) "Surface easement" means a contract between the stream owner and the system administrator which shall relieve the landowner of liabilities and assure the public of access and use of the stream surface.

(129) "System" means the Louisiana Natural and Scenic River System.

(130) "Tackle" means any device or equipment used to take fish or other living aquatic resources and any device or equipment had in possession which may be used for taking or attempting to take fish or other living aquatic resources.

(131) "Take" means, in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

(132) "Tanning" means the conversion of alligator skins or fur pelts into an intermediate or finished form and includes the following: crust tanning alligator leather, dyeing alligator leather, glazing alligator leather, tanning fur pelts, shearing fur pelts, and dyeing fur pelts, and includes the dressing of skins and furs.

(133) "Threatened or endangered species" means any species of wildlife determined by the secretary or by the Secretary of the United States Department of the Interior, with concurrence by the commission, to be of a class that requires protective regulation to prevent its extinction or the destruction or deterioration of its economic usefulness within this state, presently or in the foreseeable future.

(134) "Total length" means the longest measurable distance from the outermost portion of the snout lengthwise to the outermost portion of the caudal fin. Extended snouts such as those occurring on marlin, swordfish, and sawfish are not included; snout refers to the outermost portion of the mandible in those and other fish having extended snouts.

(135) "Trammel net" means any device composed of layers of netting material attached to one or more float lines or one or more weighted bottom lines, with the layers of netting being constructed of fine mesh and of larger mesh so that a fish attempting to pass through the device pushes the smaller mesh through the larger mesh creating a pocket or compartment in which the fish is entrapped, entangled, or restricted.

(136) "Transport" means, in its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

(137) "Trap" means any device used in the capture of birds, quadrupeds, or fish.

(138) "Trawl" means any net, generally funnel-shaped, pulled through the water or along the bottom with otter boards to spread the mouth open while being fished. The term trawl also means and includes plumb staff beam trawls that do not exceed sixteen feet, that do not use otter boards but are held open laterally by a horizontal beam and vertically by two vertical beams (plumb staffs), and that are used while the vessel is under way.

(139) "Trigger" means any tension loaded rubber band or spring device that contains several feet of line and a hook or hooks, which is baited and set, and which automatically hooks and plays a fish.

(140) "Trotline" means a line which is four hundred forty yards or less to which hoop drops are tied at various intervals or gangions and hooks are attached and which may be retrieved manually or by electric or hydraulic haulers.

(141) "Unattended net" means any net in the water to which the licensee thereof cannot be located within two hundred feet thereof.

(142) "Underutilized species" means species of fish, bivalves, and reptiles that have commercial development potential which has not been fully realized. Historically, this has included shark, clams, alligators, mullet, squid, gafftopsail catfish, hardhead catfish, spot, pinfish, silver eel, spanish mackerel, croaker, and black drum.

(143) "Wildbirds" means and includes any and all of the following:

(a) Migratory game birds: all species of ducks, geese, rails of all species, coots (poule d'eau), gallinules, snipe, woodcock, and wild doves of all species.

(b) Resident game birds: wild turkey, black francolin, bobwhite quail, and pheasants of all species.

(c) Outlaw birds: crows, red-wing blackbirds (rice birds), English sparrows, starlings, and when destructive to crops, grackles and other species of blackbirds.

(d) Protected birds: all resident and migratory wild birds not described hereinbefore as game birds or outlaw birds are protected.

Wild birds does not include birds taken, possessed, or transported under the provisions set forth in the game breeder or hunting preserve licenses.

(144)(a) "Wild quadrupeds" means and includes any and all of the following:

(i) Game quadrupeds: wild deer, bears, squirrels, and wild rabbits.

(ii) Outlaw quadrupeds: coyotes, armadillos, and feral hogs.

(iii) Protected quadrupeds: wolves, cougars, bobcats, and foxes; provided that foxes and bobcats may be run with dogs.

(iv) Nongame quadrupeds: mink, otter, muskrat, nutria, beaver, weasels, raccoons, skunks, opossum, alligator, and other wild quadrupeds valuable for their skins or furs.

(b) Wild quadrupeds does not include wild quadrupeds taken, possessed, or transported under the provisions set forth in the game breeder license. The terms "wild quadrupeds" and "wild game quadrupeds" shall not include buffalo, bison, or beefalo.

(145) "Wildlife" means all species of wild vertebrates.

(146) "Wildlife and fisheries agent, special" (or "special agent") means any person appointed under authority of the secretary to serve in an honorary capacity without compensation.

(147) "Wildlife management area" means any area set aside, maintained, and supervised by the commission for the purpose of managing and harvesting wild birds, wild quadrupeds, fish, and other aquatic life under controlled conditions to afford maximum public hunting and fishing opportunity.

(148) "Wildlife refuge" means any area set aside and designated by the commission as a refuge on which wild birds and animals are protected. Control of certain forms of wildlife may be conducted by the department.

(149) "Wing net". (see "Lead net".).

(150) "Wire net" means a cone-shaped net of vegetable or synthetic materials, with a mesh no less than one inch square or two inches stretched, having throats or flues and which is stretched over wire of five inch mesh or greater to support the webbing.

(151) "Work box" means a standard crab crate as used by a commercial crab fisherman aboard the vessel to sort or cull undersized crabs from the harvest in order to obtain a legal catch.

(152) "Yo-yo" means any spring-loaded reel device that contains several feet of line and a hook or hooks, which when baited and set, automatically hooks and plays a fish.

Acts 1990, No. 54, §1; Acts 1990, No. 564, §1; Acts 1991, No. 157, §1, eff. July 2, 1991; Acts 1991, No. 631, §1; Acts 1991, No. 698, §1; Acts 1991, No. 708, §1; Acts 1991, No. 859, §1; Acts 1991, No. 931, §1; Acts 1992, No. 174, §1; Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 1992, No. 499, §1, eff. June 22, 1992; Acts 1992, No. 528, §3, eff. June 29, 1992; Acts 1995, No. 155, §1; Acts 1995, No. 543, §2; Acts 1995, No. 604, §1; Acts 1995, No. 1039, §1, eff. June 29, 1995; Acts 1995, No. 1043, §1; Acts 1995, No. 1316, §§2, 3; Acts 1997, No. 205, §1; Acts 1997, No. 303, §1; Acts 1997, No. 802, §1, eff. July 10, 1997; Acts 1997, No. 1181, §1; Acts 1997, No. 1233, §1; Acts 1997, No. 1234, §1, eff. July 1, 1998; Acts 1997, No. 1237, §1; Acts 1998, 1st Ex. Sess., No. 155, §1, eff. May 7, 1998; Acts 1998, 1st Ex. Sess., No. 164, §2; Acts 1999, No. 177, §1; Acts 1999, No. 422, §1, eff. June 18, 1999; Acts 1999, No. 469, §1; Acts 1999, No. 1170, §1; Acts 1999, No. 1207, §1; Acts 1999, No. 1338, §1; Acts 2001, No. 149, §1; Acts 2001, No. 329, §1; Acts 2003, No. 274, §1; Acts 2003, No. 379, §1; Acts 2003, No. 566, §1; Acts 2004, No. 126, §1, eff. Nov. 15, 2004; Acts 2004, No. 240, §1; Acts 2008, No. 23, §1, eff. July 1, 2008; Acts 2010, No. 743, §2B, eff. July 1, 2010.

**As appears in enrolled bill.*

§9. Report of violations; criminal prosecution; schedule of fines; citations; ex officio notaries public

A. The director shall report all violations of the criminal laws with the enforcement of which he is charged to the district attorney within whose jurisdiction the infractions occurred. It is the mandatory duty of the district attorney to prosecute all such actions and make a report of such prosecutions to the director.

B. Notwithstanding the provisions of Subsection A of this Section, the judges of any judicial district, or, in the parish of Orleans, the judges of the criminal district court, with the consent of the district attorney, may adopt a schedule of fines, penalties and costs for violations of wildlife and fisheries laws as may be found in Title 56 of the Louisiana Revised Statutes of 1950 and regulations adopted pursuant to those laws, within the limits of such penalties as are set by law, except that the schedule shall not include violations which by law are punishable by mandatory imprisonment. The schedules shall be applicable as provided hereafter.

C. Any person apprehended for or charged with the violation of a law or regulation contained in any such schedule may enter a written plea of guilty to the same by signing a declaration to that effect, which declaration shall specify the issue charged and the time and place thereof, and deposit with the sheriff of the parish a sum of money corresponding to the schedule of fines and costs for the violation of the particular offense charged. The said declaration shall authorize the sheriff to pay the amount of such fine, penalty and cost from money deposited in escrow for that purpose with the sheriff. Such declarations and the deposit of money in escrow shall be executed and transferred only in the court house, parish jail or such other place as is designated by the judges, and within such time limits as are set by the judges.

D. The judge or district attorney may refuse to accept such written pleas of guilty in any case and in the event of refusal, the written plea of guilty shall not be admissible in evidence for any reason whatsoever.

E.(1) The Department of Wildlife and Fisheries shall provide, in appropriate form, citations containing notices to appear, which shall be issued in books with citations in quadruplicate and meeting the requirements of this Part.

(2) The secretary shall issue these books, maintain a record of each book and each citation contained therein issued to all individual members of the enforcement agency, and require and retain a receipt for each book issued.

(3) In the event the citation form, provided for in this Part, is sworn to and includes the necessary information required under the general laws of this state with respect to a complaint, which charges the commission of the offense alleged in said citation to have been committed, then such citation, when filed with a court of proper jurisdiction, shall be deemed to be a lawful complaint for the purpose of prosecution under this Part.

(4) Each enforcement officer, upon issuing a citation to an alleged violator of any provision of law under their jurisdiction, shall deposit the original citation or a copy of such citation along with a disposition copy with a court having jurisdiction over the alleged offense.

(5) The secretary shall also maintain or cause to be maintained, in connection with every citation issued by an officer, a record of the disposition of the charge by the court in which the original or a copy of the citation was deposited.

F.(1) Notwithstanding any provisions in the law relative to qualifications for and limitations on the number of notaries public, the governor is authorized to appoint, upon recommendation by the secretary of the Department of Wildlife and Fisheries, the executive officer of each enforcement region and district and any investigator of the internal affairs unit of the enforcement division of the Department of Wildlife and Fisheries, as an ex officio notary public, who shall perform the duties provided hereunder without charge or other compensation.

(2) Any ex officio notary public appointed under the provisions of this Section shall possess those notarial powers as provided by law to administer oaths and take acknowledgements, but only in connection with his official duties.

(3) Specially designated commissioned Louisiana wildlife enforcement agents assigned to internal affairs shall have the power to administer oaths and receive sworn statements in connection with their official duties.

Amended by Acts 1974, No. 717, §1; Acts 1980, No. 117, §1; Acts 1982, No. 621, §2. Acts 1983, No. 174, §1.

§10. Annual report to governor; estimate of proposed expenditures; particular funds; warrants; vouchers; surplus funds

A. On or before the first Monday in April of each year the commission shall prepare and present to the governor a printed annual report showing the operations of the commission since the date of its last annual report, showing the amount of money received by it and from what sources, and showing the amount of money expended by it and for what purposes. In each annual report immediately preceding the regular session of the legislature the commission shall include an estimate of proposed expenditures and the expenses for the ensuing year, its prospective revenues and any recommendations for legislative action. The governor shall lay copies of the report before the succeeding legislature. At each regular session the legislature shall appropriate such funds as it deems wise for the continuation of the work of the commission.

B.(1) Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all funds collected by the commission from every source shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, conform to the following:

(a)(i) Pay annually into a special fund created in the state treasury and designated as the Seafood Promotion and Marketing Fund an amount equal to the total of five dollars per license fee and gear fee per annum paid into the treasury by the commission derived from the increase in each of the commercial fisheries license fees imposed by Acts 1984, No. 230 or derived from the fee or fees imposed on any commercial fisheries license established on or after January 1, 1984. This includes five dollars per commercial fisherman's license fee, gear fee, wholesale/retail dealer's license fee, vessel license fee, and transport license fee pursuant to Part VI of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950.

(ii) Pay annually into the Seafood Promotion and Marketing Fund, into a special account entitled the "Oyster Development Account", the additional fee of five cents for each oyster tag sold pursuant to R.S. 56:449 and paid into the treasury by the commission. All expenditures and allocation of funds from this account shall be administered jointly by the Louisiana Seafood Promotion and Marketing Board and the Louisiana Oyster Task Force.

(b)(i) Pay annually into the Seafood Promotion and Marketing Fund, into a special account entitled the "Shrimp Marketing and Promotion Account", an amount equal to the fees collected pursuant to R.S. 56:305(G) and paid into the treasury by the commission. All expenditures and allocation of funds from this account shall be administered jointly by the Louisiana Seafood Promotion and Marketing Board and the Louisiana Shrimp Task Force to be used for the development of markets for shrimp and creation of marketing strategies for the development and market expansion for shrimp harvested from Louisiana waters.

(ii) Pay annually into the Conservation Fund, into a special account entitled the "Shrimp Trade Petition Account", an amount equal to the fees collected pursuant to R.S. 56:305(H) and 506.1. Subject to annual appropriation by the legislature, the monies in the fund shall be used exclusively for the purposes of promotion and protection of domestic wild-caught shrimp. For purposes of this

Item, promotion and protection of domestic wild-caught shrimp shall include expenses related to the petition filed by the Southern Shrimp Alliance in December 2003 for the imposition of antidumping duties pursuant to Section 731 of the Tariff Act of 1930, as amended. All expenditures and allocation of funds from this account shall be administered jointly by the Louisiana Seafood Promotion and Marketing Board and the Louisiana Shrimp Task Force. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund and all returns on such investment shall be deposited to the account. All unexpended and unencumbered monies remaining in this account at the end of the fiscal year shall remain in the account.

(c) Pay into a special fund created in the state treasury and designated as the Conservation Fund an amount equal to the total amount of funds paid into the treasury by the commission except those funds for which provision is made in Subparagraphs (a), (b), and (d) of this Paragraph.

(d) Pay annually into a special fund created in the state treasury and designated as the Louisiana Duck License, Stamp, and Print Fund all amounts received pursuant to the Louisiana Duck License, Stamp, and Print Program provided for in R.S. 56:151 et seq. and such other funds as are specifically appropriated by the legislature.

(e) Pay annually into the Seafood Promotion and Marketing Fund, into a special account titled the "Crab Promotion and Marketing Account", an amount equal to the fees specified for deposit in R.S. 56:305(B)(2) and (C)(1), 306(B)(6), and 306.1(B)(7). All expenditures and allocations of funds from this account shall be administered jointly by the Louisiana Seafood Promotion and Marketing Board and the Crab Task Force.

(2) The monies in the Conservation Fund shall be used solely for the programs and purposes and in the amounts appropriated each year to the commission by the legislature.

(3) The monies in the Seafood Promotion and Marketing Fund shall be used by the Seafood Promotion and Marketing Board to implement the duties and functions of that board relating to the promotion and marketing of seafood as provided in R.S. 56:578.3 in the amounts appropriated each year to the Department of Wildlife and Fisheries by the legislature for the use by the board.

(4) *Repealed by Acts 1992, No. 984, §18.*

(5) The monies in the Louisiana Duck License, Stamp, and Print Fund shall be used solely for the programs and purposes associated with the Louisiana Duck License, Stamp, and Print Program as provided by R.S. 56:151 et seq. in the amounts appropriated each year to the department by the legislature.

(6)(a) There is hereby created within the Conservation Fund a special account known as the "natural heritage account" which shall consist of those revenues collected from the sale of "Wild Louisiana" stamps and prints provided for in R.S. 56:1832 and those funds donated or allocated for the protection and stewardship of Louisiana's wild lands and waters to support the functions of the Louisiana Natural Heritage Program. The revenues shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund in Paragraph (1) of this Subsection. The funds in this account shall be used solely for the implementation and administration of Parts I, II, III, and IV of Chapter 8 of this Title and the natural heritage and nongame programs within the department.

(b)(i) Five percent of the net proceeds derived from the fifty dollar fee imposed by R.S. 47:463.45(B) for the black bear prestige license plate shall be used to promote the existence of the black bear prestige license plate and its availability for use on passenger cars, pickup trucks, and vans.

(ii) Five percent of the net proceeds derived from the fifty dollar fee imposed by R.S. 47:463.46(B) for the Louisiana quails unlimited prestige plate shall be used to promote the existence

of the Louisiana quails unlimited prestige plate and its availability for use on passenger cars, pickup trucks, recreational vehicles, and vans.

(c) Notwithstanding any other provision of the law to the contrary, every hunting and fishing license issued by the Department of Wildlife and Fisheries shall include a notice with a telephone number and mailing address for information on how to acquire a black bear prestige license plate for use on one's passenger car, pickup truck, or van.

(7)(a) The monies in the Louisiana Wild Turkey Fund shall be used solely for the programs and purposes associated with the Louisiana Wild Turkey Program as provided by R.S. 56:161 et seq. in the amounts appropriated each year to the department by the legislature.

(b) The revenues collected from the sale of the Louisiana Wild Turkey Federation license plate provided for in R.S. 47:463.54 shall be used solely for turkey restocking and research purposes in the amounts appropriated each year to the commission by the legislature, with the exception of five dollars per plate sold to be used for the purpose of advertising the license plates.

(8) There is hereby created within the Conservation Fund a special account known as the "waterfowl account" which shall consist of those revenues collected from the sale of the Ducks Unlimited license plates provided for in R.S. 47:463.53. The revenues shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund in Paragraph (1) of this Subsection. The funds in this account shall be used solely for the purpose of conserving, restoring, and enhancing migratory waterfowl habitat in Louisiana. Specific expenditures of the proceeds shall be made in consultation with Louisiana Ducks Unlimited, provided that Louisiana Ducks Unlimited contributes an amount each fiscal year equal to the amount of funds collected from the sale of the license plates placed into the "waterfowl account".

(9) There is hereby created within the Conservation Fund a special account known as the "black bear account" which shall consist of those revenues collected from the sale of the black bear unlimited license plates provided for in R.S. 47:463.45. The revenues shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund in Paragraph (1) of this Subsection. The funds in this account shall be used solely for the purpose of conserving, restoring, and enhancing black bear habitat in Louisiana.

(10) There is hereby created within the Conservation Fund a special account known as the "quail account" which shall consist of those revenues collected from the sale of the quail unlimited license plates provided for in R.S. 47:463.46. The revenues shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund in Paragraph (1) of this Subsection. The funds in this account shall be used solely for the purpose of conserving, restoring, and enhancing quail habitat in Louisiana.

(11) There is hereby created within the Conservation Fund a special account known as the "white tail deer account" which shall consist of those revenues collected from the sale of the white tail deer license plates provided for in R.S. 47:463.86. The revenues shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund in Paragraph (1) of this Subsection. The funds in this account shall be used solely for programs pertaining to the white tail deer in Louisiana.

(12) There is hereby created within the Conservation Fund a special account known as the "enforcement emergency situation response account", which shall consist of funds received from federal grant reimbursements, contracts or cooperative agreements, interagency transfers, other grants or other resources to recoup monies for services which are designated for deposit into this account, and those revenues as provided in R.S. 56:40.9(A). All revenues to this account shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund pursuant to Paragraph (1) of this Subsection. The funds in this account shall be used solely by the enforcement division of the Department of Wildlife and Fisheries for emergency situation

preparedness, operations in emergency situations, responses to emergency situations, and emergency search and rescue operations, as appropriated annually by the legislature.

(13) There is hereby created within the Conservation Fund a special account known as the "Derelict Crab Trap Removal Program Account", which shall consist of funds received from revenues as provided in R.S. 56:302.3(B)(1) and (C) and 305(B)(2) and (C)(1), donations, and from any other source which may specify deposit to this account. The revenues in the account shall be subject to the same requirements as other revenues in the Conservation Fund. All expenditures and allocations of funds from this account shall be for the administration and implementation of the derelict crab trap removal program.

(14) There is hereby created within the Conservation Fund a special account known as the "Rare and Endangered Species Account", which shall consist of revenues collected from the sale of the "Rare and Endangered Species" special prestige license plate provided for in R.S. 47:463.150, donations, and any other source which may specify deposit to this account. The revenues in the account shall be subject to the same requirements as other revenues in the Conservation Fund. All expenditures and allocations of funds from this account shall be used solely for purposes of conserving, restoring, and enhancing rare and endangered species habitats in Louisiana.

C. The commission shall keep a set of books showing from whom every dollar is received and for what purpose and to whom every dollar is paid and for what purpose. It also shall keep in its file vouchers or receipts for all moneys paid out.

D. All unexpended and unencumbered monies in the Louisiana Seafood Promotion and Marketing Fund, the Louisiana Duck License, Stamp, and Print Fund, the Louisiana Wild Turkey Fund, and the Conservation Fund at the end of the fiscal year shall remain in the respective funds. The monies in the funds shall be invested by the treasurer in the same manner as monies in the state general fund. All interest earned on monies invested by the treasurer shall be deposited in the respective funds. The state treasurer shall prepare and submit to the department on a quarterly basis a printed report showing the amount of money contained in the funds from all sources.

Amended by Acts 1972, No. 494, §1; Acts 1974, No. 717, §1; Acts 1975, No. 343, §1; Acts 1983, No. 602, §1; Acts 1984, No. 230, §1, eff. June 29, 1984; Acts 1984, No. 883, §1, eff. Aug. 1, 1985; Acts 1986, No. 904, §3, 4; Acts 1988, No. 632, §§1, 2, eff. Sept. 1, 1989; Acts 1992, No. 193, §1; Acts 1992, No. 984, §§17, 18; Acts 1995, No. 225, §1; Acts 1995, No. 448, §1; Acts 1995, No. 535, §2; Acts 1997, No. 70, §2; Acts 1997, No. 660, §2; Acts 1997, No. 962, §2; Acts 1997, No. 1158, §2; Acts 1999, No. 735, §2; Acts 1999, No. 772, §1; Acts 2001, No. 270, §1; Acts 2001, No. 663, §1; Acts 2003, No. 357, §1; Acts 2003, No. 784, §1; Acts 2004, No. 904, §1, eff. July 12, 2004; Acts 2005, No. 172, §1; Acts 2008, No. 722, §1, eff. Nov. 15, 2008; Acts 2010, No. 100, §1; Acts 2010, No. 606, §2; Acts 2010, No. 991, §2.

NOTE: See Acts 1986, No. 904, §5.

NOTE: See Acts 2004, No. 904, §3, regarding termination.

§10.1. Aquatic Plant Control Fund; creation; uses

A. There is hereby created in the state treasury the Aquatic Plant Control Fund.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay into the Aquatic Plant Control Fund an amount equal to the monies received by the state treasury pursuant to the provisions of R.S. 47:462(B)(2)(c). The monies in this fund shall be used solely as provided in Subsection C of this Section and only in the amount appropriated by the legislature. All unexpended and unencumbered monies remaining in this fund at the end of the fiscal year shall remain in the fund.

The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and all returns of such investment shall be deposited to the fund.

C. Subject to an annual appropriation by the legislature, the monies in the Aquatic Plant Control Fund shall be used solely by the office of fisheries, Department of Wildlife and Fisheries, to fund the aquatic plant control program and to fund cooperative research and public education efforts by the Department of Wildlife and Fisheries and the LSU Agricultural Center relative to aquatic weed control and eradication. An amount not to exceed fifteen percent of the annual appropriation shall be used to fund research and public education efforts relative to aquatic weed control and eradication by the LSU Agricultural Center. The funds appropriated pursuant to the provisions of this Section shall be in addition to any other amounts appropriated by the legislature.

Acts 2002, No. 77, §2, eff. July 1, 2002; Acts 2008, No. 235, §1.

§11. Bond of director and employees

The director shall give, for the faithful performance of the duties of his office, a bond in the sum of five thousand dollars, with security, in favor of the governor for the benefit of the people. Each employee of the commission other than the director likewise shall give a bond, with security, in the sum of one thousand dollars. In case of forfeiture of any bond and recovery thereon, the amount recovered shall be placed in the general fund of the commission. However, pursuant to the provisions of R.S. 42:206, the commission shall be authorized to pay the premium on any such bond required to be given in favor of the state by the director or any employee of the commission.

Amended by Acts 1974, No. 717, §1.

§12. Boats and other movable property

The director shall acquire such boats and other movable property as are necessary to regulate and supervise the work of the commission.

Amended by Acts 1974, No. 717, §1.

§§13, 13.1. *Repealed by Acts 1999, No. 804, §2, July 2, 1999.*

§14. Saltwater Fishery Enforcement Account; creation; use of monies in the account

A. The "Saltwater Fishery Enforcement Account" is hereby created as a special account in the Conservation Fund. The monies in this account shall be used solely as provided in Subsection D of this Section and only in the amounts appropriated by the legislature. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund. Monies deposited into the account and interest earned on the investment of monies in the account shall be credited to the account, following compliance with the requirement of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund.

B. The monies in the "Saltwater Fishery Enforcement Account" shall be obtained and allocated pursuant to Subsection C of this Section. Monies deposited into the account, and the revenues derived from investment of monies in the account, shall be used to supplement enforcement efforts related to saltwater fishery and fishery related laws, rules, and regulations in the coastal parishes of the state.

C. Funds received by the department from contributions or donations and court awards made specifically to the Saltwater Fishery Enforcement Account shall be deposited to the account. The monies in the Saltwater Fishery Enforcement Account shall be used solely as provided for in this Section. The state treasurer shall prepare and submit to the department, on a quarterly basis, a printed report showing the amount of money contained in the fund from all sources.

D. It is the purpose of this Section to provide financial assistance in any manner to the enforcement division of the department for the purpose of enforcing regulations governing, protecting, managing, and conserving saltwater fishery species and providing public safety while in

the performance of those duties. It is specifically provided herein that any violation of gear limits or gear regulations in conjunction with shoreline trawling shall be strictly enforced.

E. It is specifically provided that the intent of the legislature in the enactment of the Louisiana Marine Resources Conservation Act of 1995 (Act No. 1316 of the 1995 Regular Session) is to promote the enhancement of Louisiana's marine resources by the removal of indiscriminate entanglement nets from coastal waters.

Acts 1999, No. 804, §1, eff. July 2, 1999; Acts 2004, No. 835, §1, eff. July 12, 2004.

§15. Prohibited acts involving interstate commerce

A. For the purposes of this Section, the following words and phrases shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(1) The terms "fish" or "wildlife" mean fish as defined by R.S. 56:8 and wildlife as defined in R.S. 56:8, whether alive or dead, without limitation to whether or not the animal was bred, hatched, or born in captivity, and includes any part, product, egg, or offspring thereof.

(2) The term "import" means to land on, bring into, or introduce into, any place subject to the jurisdiction of the state of Louisiana.

(3) The terms "law" or "regulation" mean laws or regulations which regulate the taking, possession, importation, exportation, transportation, or sale of fish or wildlife.

(4) The term "person" includes any individual, partnership, association, corporation, trust, or any officer, employee, agent, department, or instrumentality of a state department or political subdivision of the state, or any entity subject to the jurisdiction of the state of Louisiana.

(5) The term "taken" means "take" as defined in R.S. 56:8.

(6) The term "possess" means possess as defined in R.S. 56:8.

(7) The term "transport" means transport as defined in R.S. 56:8.

B. It shall be unlawful for any person to engage in any of the following:

(1) To import, export, transport, sell, receive, acquire, or purchase in interstate commerce any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of this state, any other state, or the federal government.

(2) To attempt to commit any act described in Paragraph (1) of this Subsection.

C. Any person who knowingly engages in conduct prohibited by Subsection B herein shall be subject to penalties of a class six violation as defined by R.S. 56:36. In addition, any person who in the exercise of due care should have known that the fish or wildlife were taken, possessed, transported, or sold in violation of any law or in a manner unlawful under any law or regulation shall be subject to the penalties of a class six violation as defined in R.S. 56:36.

Acts 1999, No. 178, §1.

§16. Intentional concealment, destruction, or deposit of illegal fish, wildlife, or other animals; penalties

A. No person shall intentionally conceal, destroy, or deposit any fish, wildlife, or other animal which was taken or possessed illegally at any location if the person knows or has good reason to believe that such act has an effect on or reasonably may or will affect an actual or potential criminal proceeding.

B. A violation of this Section shall constitute a class six violation as provided for in R.S. 56:36.

Acts 2007, No. 84, §1.

§17. Taking fish for purpose of science and cultivation; permits; propagation of fish

The director may take fish of any kind in any manner or place for the purpose of science and of cultivation and distribution and may grant written permits to other persons for the same purpose.

He may introduce or permit to be introduced any kind of fish into any waters. He may, after a hearing, set apart for a term not exceeding ten years any waters in the state for the purpose of propagation or for the use of the United States Fish and Wildlife Service. The order setting apart such waters shall be recorded in the conveyance office of the parish in which they are situated. He may erect and maintain such fixtures as are necessary for the purpose of propagation and maintenance.

Added by Acts 1974, No. 717, §1.

§18. Trespass on or injury to structures or areas used for scientific experiments

A. No person shall willfully enter in or upon any building or other structure or any area of land or water set apart and used by or under the authority of the director for conducting scientific experiments and distribution of fish, birds, or game after the director has printed notices of such occupation and use and the purposes thereof, and has placed them in a conspicuous position adjacent to any such areas or upon any such structure.

B. No person shall willfully and maliciously injure or deface any such structure or any notice posted by the director, or injure or destroy any property used in such experiments or investigation or otherwise interfere therewith.

Amended by Acts 1974, No. 717, §1.

§19. Exchange of fish hatched at fish hatcheries for fish roe or fish eggs

The director may purchase fish roe or fish eggs and give in exchange or in consideration therefor a percent of the young fish hatched or produced at any of the state fish hatcheries. The placing of such young fish in waters on the land of such persons shall not be deemed a stocking of such waters with fish by the state.

Amended by Acts 1974, No. 717, §1.

§20. Releasing game, fowl, or fish; permission; intrastate restocking; violations

A. No pen-raised or wild animal, fowl, or fish of any species from without the state shall be liberated within the state except upon written permission of the secretary. No pen-raised turkey or pheasant from within or without the state shall be liberated within the state except upon written permission of the secretary.

B. No wild animal or fowl of any species shall be transported for restocking purposes from a site within the state to any other site within the state except in accordance with rules and regulations adopted by the commission.

C. Violations of the provisions of this Section shall constitute a class four violation, as provided in R.S. 56:34.

Amended by Acts 1974, No. 717, §1; Acts 1982, No. 319, §1; Acts 1982, No. 380, §1; Acts 1988, No. 237, §1.

§21. Stocking waters with fish

Upon the petition of the governing authority of a parish, the director may stock the waters of any stream, bayou, lagoon, lake, or river with fish judged to be the best suited to such waters. He may thereupon prescribe and enforce for a period not exceeding three years such reasonable regulations relative to the fishing in such streams and tributaries as he deems to be in the public interest.

Amended by Acts 1974, No. 717, §1.

§22. Rules and regulations for protection and preservation of fish

A. Whenever the commission deems it for the best interest of the state, it may entirely prohibit the taking of any species of fish in any part of the state, particularly in any lake or stream either wholly or partially within the state, for not more than a three-year period.

B. The commission shall be authorized to promulgate rules and regulations pertaining to seasons, times, sizes, and places for freshwater commercial fish netting.

C. Such prohibitions, rules, and regulations shall be adopted in accordance with R.S. 49:951 et seq.

Amended by Acts 1974, No. 717, §1; Acts 1979, No. 282, §1; Acts 1982, No. 732, §1; Acts 1990, No. 376, §1.

§23. Penalty for violations

Whoever violates any of the provisions of Chapters 1 through 3 and 5 of this Title for which a penalty has not been otherwise specifically provided shall be penalized as a class one violation as provided in R.S. 56:31 and shall pay all court costs.

Acts 2010, No. 290, §1.

§24. Contract by commission with private landowners for use of lands for wildlife management areas in consideration for relief from certain taxation

The commission may contract with any private landowner for the use of his lands for a term of not less than twenty-five years for the purpose of establishing wildlife management areas, and may agree, where such use is granted without compensation or payment therefor, that the lands shall be relieved of all state, parish, and district taxes, except in cases where a tax has been contracted to be levied thereon for the retirement of a bond issue or for other outstanding debts or obligations, so long as the lands are used for the purpose stated. Any existing agreement to the foregoing effect is validated.

Amended by Acts 1974, No. 717, §1.

§25. Fish and wildlife restoration and management projects; assent to federal aid act; duties of commission

A. The state of Louisiana hereby assents to the provisions of the Dingell-Johnson Sport Fish Restoration Act (also known as the "Federal Aid in Fish Restoration Act" and the "Fish Restoration and Management Projects Act" [16 U.S.C. §777 et seq.]) and the Pittman-Robertson Wildlife Restoration Act (also known as the "Federal Aid in Wildlife Restoration Act" [16 U.S.C. §669 et seq.]). The Louisiana Wildlife and Fisheries Commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish and wildlife restoration projects as defined in said acts of congress, in compliance with said acts and rules and regulations promulgated by the Secretary of Interior thereunder.

B. The commission is hereby authorized to acquire by purchase, gift, eminent domain, or otherwise, all property necessary, useful, or convenient for the use of the commission; and no funds accruing to this state from license fees paid by the fishermen and hunters shall be diverted to any other purpose than the administration, implementation, and support of hunting and fishing activities and for the protection, propagation, preservation, and investigation of fish and wildlife.

Added by Acts 1952, No. 540, §1; Acts 2004, No. 566, §1.

§26. Repealed by Acts 2004, No. 566, §2.

§27. Management and harvesting of fish in private ponds exempt from statutory limitations; permits; exceptions

A. Except as provided in Sub-sections B and C of this Section, the management and harvest or taking of fish in privately owned man made ponds or impoundments shall not be subject to statutory limitations as to the kind, number or size of fish which may be harvested or taken, or as to the method of harvesting or taking fish, or seasons or other limitations, restrictions, prohibitions or

regulations governing the management and harvest or taking of fish, but shall be governed by administrative rules and regulations of the commission, and the commission may issue permits to each private owner therefor.

B. Statutory and administrative regulations governing or prohibiting the sale or exchange of game fish shall apply to game fish harvested or taken from privately owned man made ponds or impoundments.

C. Sub-section A of this Section does not apply to ponds or impoundments built within the basin of a continuously flowing river, bayou or other stream of water.

Added by Acts 1960, No. 127, §§1 to 3.

§28. Official badges, identification cards, other insignia

Whoever manufactures, sells, or possesses any badge, identification card, or other insignia, of the design prescribed by the secretary of the Louisiana Department of Wildlife and Fisheries for use by any officer or employee thereof, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

Acts 1986, No. 502, §1.

§29. Interference with marks or buoys

No person shall injure, mutilate, destroy, interfere with, or remove any marks or buoys located, placed, anchored, or moored by the state or any agency or political subdivision thereof in any state-owned waterway. Whoever violates this provision shall be subject to the penalties imposed for a class three violation. The provisions of this Section shall only apply when the marks or buoys are properly marked to show that they belong to the state or any agency or political subdivision thereof.

Acts 1993, No. 93, §1.

PART I-A. DEPARTMENT OF WILDLIFE AND FISHERIES

§30. Department of Wildlife and Fisheries; powers; duties; functions; periodic evaluation of fees and charges imposed

A. The Department of Wildlife and Fisheries shall, at least once every two years, periodically review every fee imposed by the department or by the Louisiana Wildlife and Fisheries Commission and every fee charged for issuance or renewal of every license or permit issued or renewed by the department or commission. This review shall be conducted, as to each fee, license, or permit, at least every two years. The following items shall be included in the periodic review:

(1) The actual costs and expenses incurred by the department and the commission in creating and distributing licenses or permits required by law.

(2) The actual costs and expenses incurred in monitoring public compliance for licensing and permitting.

(3) The monies actually received by the department or the commission as a license fee, permit fee, or other fee required by law.

(4) Any other information regarding fees, licenses, and permits deemed relevant to the analysis by the department.

B. A summary of each analysis by the department, together with recommendations for adjustment in a fee, license fee, or permit fee charged by the department or commission, shall be forwarded to the Senate and House committees on natural resources.

Acts 1995, No. 514, §1.

§30.1. Department of Wildlife and Fisheries; issuance of licenses and permits for hunting and fishing

The Department of Wildlife and Fisheries is hereby authorized to issue hunting and fishing licenses and permits through an electronic issuance system. In addition, the department is hereby authorized to contract for electronic license issuance services in accordance with the provisions of R.S. 39:198(G) and to enter into agreements with issuing agents for the issuance of the licenses and permits. Such issuance system may include purchase of licenses or permits using the telephone and any other electronic methods of communication and may include payment of the required fees by way of credit card as provided in R.S. 56:642. Such issuance system may also include receipt of payment of fines resultant from class one violations. The Department of Wildlife and Fisheries shall implement any electronic system through the promulgation and adoption of rules and regulations therefor.

Acts 1998, 1st Ex. Sess., No. 164, §2, eff. Sept. 21, 1998; Acts 2001, No. 805, §1; Acts 2003, No. 90, §1; Acts 2007, No. 85, §2.

§30.2. Notice to legislators

The department shall provide advance written notice to members of the legislature of any public hearing scheduled by the department to be held within the legislative district of the member. The notice shall be provided not later than thirty days prior to the date of the hearing.

Acts 1999, No. 292, §1, eff. June 11, 1999.

§30.3. Lease of state lands; access to public waterways

A. Any contract entered into for the lease of state lands for any purpose shall require that access by the public to public waterways through the state lands covered by the lease shall be maintained and preserved for the public by the lessee. The provisions of this Section shall not prohibit the secretary of the agency having control over the property to restrict access to public waterways if he determines that a danger to the public welfare exists. The provisions of this Section shall not apply in cases involving title disputes.

B. Notwithstanding any provision of law to the contrary, if the secretary determines there exists a public need to maintain the current lessee, the secretary may offer the current lessee, if he made a bid, the option to match the highest bid in order to lease the state lands. The provisions of this Subsection shall not apply to oyster leases, oil and gas leases or alligator leases entered into by the department, or to any lease entered into by the State Mineral and Energy Board. The department shall promulgate rules and regulations providing for uniform criteria to assess the management of leased property.

Acts 1999, No. 1142, §3; Acts 2008, No. 226, §1; Acts 2009, No. 196, §9, eff. July 1, 2009.

§30.4. Geophysical and geological surveys

A. A person granted a permit to conduct geophysical and geological surveys of any kind on state-controlled lands, including water bottoms, shall not be assessed any additional fees to conduct operations on any designated oyster seed ground or reservation belonging to the state of Louisiana.

B. Each seismic exploration crew working in the state of Louisiana shall always be under the supervision of the seismic section of the Department of Wildlife and Fisheries. The seismic operator shall be charged a fee of one hundred thirty-five dollars per crew per day.

C. Of the funds received by the department from geophysical and geological survey activity occurring on state lands, including water bottoms, under the provisions of R.S. 30:212(D) and the additional funds received by the department under the provisions of R.S. 30:136.1(D), an amount shall be used to plant shells for oyster cultch, rehabilitating areas damaged by operations, and as mitigation for any other damage to the coastal area. The determination of the amount to be so used shall be made in accordance with the provisions of LAC 76:I.301(T) and based upon the amount of geophysical and geological survey activity occurring on any designated oyster seed ground or reservation.

Acts 2000, 2d Ex. Sess., No. 8, §3.

PART II. PENALTIES AND ENFORCEMENT PROCEDURES

SUBPART A. PENALTIES

§31. Class one violations

The following penalties shall be imposed for a class one violation:

(1) For the first offense, a fine of fifty dollars or imprisonment for not more than fifteen days, or both. The fine shall include all costs of court.

(2) For the second offense, a fine of not less than seventy-five dollars nor more than two hundred fifty dollars or imprisonment for not less than thirty days nor more than sixty days, or both.

(3) For the third offense and all subsequent offenses, a fine of not less than two hundred dollars nor more than five hundred fifty dollars and imprisonment for not less than thirty days nor more than ninety days.

Acts 1981, No. 837, §1; Acts 1988, No. 240, §1; Acts 1990, No. 899, §1; Acts 2001, No. 344, §1; Acts 2004, No. 253, §1, eff. July 1, 2004.

§31.1. Revocation of license; denial of license; penalties

A. Failure to pay all amounts assessed under this Part shall result in the immediate revocation of all recreational hunting and fishing licenses held by the offender. Such revocation of the offender's licenses and privileges shall continue, and no new recreational hunting or fishing licenses shall be issued during the period of time as any assessed amounts remain unpaid.

B. The provisions of this Section shall not apply to any person who has timely filed a suspensive appeal of the final judgment and during the pendency of the appeal.

C. Any person who purchases or obtains a recreational hunting or fishing license of any type or who engages in an activity which would otherwise require the purchase of a recreational hunting or fishing license during the period of revocation of his licenses and privileges pursuant to this Part shall be guilty of a class three violation, R.S. 56:33.

Acts 1990, No. 899, §1; Acts 1991, No. 885, §1; Acts 1992, No. 853, §1; Acts 1993, No. 80, §1; Acts 2001, No. 804, §2; Acts 2001, No. 805, §1; Acts 2004, No. 174, §1; Acts 2004, No. 253, §2, eff. July 1, 2006.

§32. Class two violation

The following penalties shall be imposed for a class two violation:

(1) For the first offense, the fine shall be not less than one hundred dollars nor more than three hundred fifty dollars, or imprisonment for not more than sixty days, or both;

(2) For the second offense, the fine shall be not less than three hundred dollars, nor more than five hundred fifty dollars, and imprisonment for not less than thirty days nor more than sixty days;

(3) For the third offense and all subsequent offenses, the fine shall be not less than five hundred dollars nor more than seven hundred fifty dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture to the commission of anything seized in connection with the violation.

Acts 1981, No. 837, §1; Acts 1988, No. 240, §1.

§33. Class three violation

The following penalties shall be imposed for a class three violation:

(1) For the first offense, the fine shall be not less than two hundred fifty dollars nor more than five hundred dollars, or imprisonment for not more than ninety days, or both;

(2) For the second offense, the fine shall be not less than five hundred dollars, nor more than eight hundred dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture to the commission of anything seized in connection with the violation;

(3) For the third offense and all subsequent offenses, the fine shall be not less than seven hundred fifty dollars, nor more than one thousand dollars, and imprisonment for not less than ninety days nor more than one hundred twenty days, and forfeiture to the commission of anything seized in connection with the violation.

(4) In addition to any other penalty, for a second or subsequent violation of the same provision of law the penalty imposed may include revocation of the permit or license under which the violation occurred for the period for which it was issued and barring the issuance of another permit or license for that same period.

(5) Violation of a class three offense shall not preclude aid for training or sale of gear nor the obtaining of a rod or reel license or other net license for a subsequent period. The provisions of this Paragraph shall be applied retroactively.

Acts 1981, No. 837, §1; Acts 1988, No. 240, §1; Acts 1997, No. 1413, §1, eff. July 15, 1997.

§34. Class four violation

A. The following penalties shall be imposed for a class four violation:

(1) For the first offense, the fine shall be not less than four hundred dollars nor more than nine hundred fifty dollars or imprisonment for not more than one hundred twenty days, or both.

(2) For the second offense, the fine shall be not less than seven hundred fifty dollars nor more than nine hundred ninety-nine dollars and imprisonment for not less than ninety days nor more than one hundred eighty days.

(3) For the third offense and all subsequent offenses, the fine shall be not less than one thousand dollars, nor more than five thousand dollars, and imprisonment for not less than one hundred eighty days nor more than two years.

B. The above penalties in all cases shall include forfeiture to the commission of anything seized in connection with the violation.

Acts 1983, No. 72, §1; Acts 1986, No. 503, §1; Acts 1988, No. 240, §1; Acts 1999, No. 154, §1; Acts 2005, No. 102, §1.

§35. Class five violation

The following penalties shall be imposed for a class five violation, for the purpose of the mandatory jail sentence this class shall be divided into two Sections, 5-A and 5-B.

A. The fine for class 5-A violation shall be for the first offense not less than five hundred dollars nor more than seven hundred fifty dollars and shall be sentenced to serve not less than fifteen nor more than thirty days in jail; not less than seven hundred fifty dollars nor more than one thousand dollars and not less than sixty nor more than ninety days in jail for the second offense. For the third and all subsequent offenses, the fine shall be not less than seven hundred fifty dollars nor more than

one thousand dollars and shall serve not less than ninety nor more than one hundred twenty days in jail.

B. A class 5-B violation shall for the first offense be a fine of not less than three hundred and fifty dollars and not more than five hundred dollars and shall be imprisonment in jail for thirty days. For the second offense the violator shall be fined not less than five hundred dollars and not more than one thousand dollars and shall be imprisoned in jail for sixty days. For the third and all subsequent offenses, the violator shall be fined not less than one thousand dollars and not more than two thousand dollars and shall be imprisoned in jail for ninety days.

In addition to the above fines and jail sentences and for both classes 5-A and 5-B of class five violations, the license under which the violation occurred shall be revoked and shall not be reinstated at any time during the period for which it was issued and for one year thereafter.

The above penalties in all cases shall include forfeiture to the department of anything seized in connection with the violation.

Acts 1981, No. 837, §1.

§36. Class six violation

The following penalties shall be imposed for a class six violation. For each offense, the fine shall be not less than nine hundred dollars nor more than nine hundred fifty dollars, or imprisonment for not more than one hundred twenty days, or both, and shall include the forfeiture to the commission of anything seized in connection with the violation.

Acts 1981, No. 837, §1; Acts 1991, No. 525, §1; Acts 1995, No. 1034, §1; Acts 1999, No. 184, §1.

§37. Class seven violation

A. Class seven shall be divided into 7-A and 7-B violations.

(1) The following penalties shall be imposed for a class 7-A violation: For each offense, the fine shall be not less than five thousand dollars nor more than seven thousand five hundred dollars or imprisonment for one year, or both.

(2) The following penalties shall be imposed for a class 7-B violation: For each offense, the fine shall be not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for one year.

B. The penalties provided for in this Section shall include the forfeiture to the commission of anything seized in connection with the violation.

Acts 1981, No. 837, §1; Acts 1991, No. 525, §1.

§37.1. Class eight violation

The following penalties shall be imposed for a class eight violation:

For each offense, the fine shall not be less than five thousand dollars nor more than seven thousand dollars and the violator may be imprisoned in jail for not less than sixty days nor more than six months.

Acts 1991, No. 868, §1.

§38. Revocation of license

A. In addition to all other penalties provided hereunder, whoever violates any provision of this Chapter in accordance with classes 1, 2, 3, 4, 6, and 7 upon conviction, may as otherwise provided in this Chapter have the license under which the violation occurred revoked for the period for which it was issued.

B. If the revocation set out in Subsection A of this Section is for a class 3 or lesser violation, it shall not preclude the obtaining of aid for training or sale of gear nor the obtaining of a rod or reel

license or other net license for a subsequent period. The provisions of this Subsection shall be applied retroactively.

Acts 1981, No. 837, §1; Acts 1997, No. 1413, §1, eff. July 15, 1997.

§39. Forfeiture of quadrupeds, birds, and fish; Fish and Wildlife Violations Reward Fund, creation and use of fund monies

A. In addition to all other penalties provided in this Chapter, violators subject to the provisions of R.S. 56:31 through R.S. 56:37.1 shall upon conviction forfeit any quadrupeds, birds, fish, or other animals seized in connection with said violation.

B.(1) Notwithstanding any other provision of law to the contrary, the first two dollars of any penalty or fine imposed for a violation of any provision of this Title shall be paid, monthly, into the state treasury for deposit into the Fish and Wildlife Violations Reward Fund, hereinafter referred to as the "fund", which is hereby created, as a special fund, in the state treasury.

(2) Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within a fiscal year, the treasurer in each fiscal year shall pay into the fund an amount equal to the total amount of monies received from the first two dollars of any penalty or fine as provided in Paragraph (1) of this Subsection.

C. All unexpended and unencumbered monies in the fund at the end of a fiscal year shall remain in the fund and be available for appropriation in the next fiscal year in the same manner as allocated herein. Monies in the fund shall be invested as provided by law. Interest earned on the investment of monies in the fund shall be credited to the state general fund.

D. Subject to appropriation by the legislature, monies in the fund shall be used solely by the Department of Wildlife and Fisheries to pay rewards to individuals who provide information to the department on criminal activity, to operate a hotline to be used to receive such information, and such other purposes directly related to obtaining information on criminal activities involving the fish and wildlife of the state.

E.(1) No person shall be required to disclose, by way of testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to the department and the person who accepts the report on behalf of the department nor shall any person be required to produce any records, documentary evidence, opinions, or decisions related to such privileged communication in connection with any criminal case or proceedings or by way of any discovery procedure.

(2) Any person arrested or charged with a criminal offense may petition the court for an in camera inspection of the records of a privileged communication concerning such person made to the department. The petition shall allege facts showing that such records would provide evidence favorable to the defendant and relevant to the issue of guilt or punishment. If the court determines that the person is entitled to all or any part of such records, it may order production and disclosure as it deems appropriate.

(3) As used in this Section, "privileged communication" means a statement by any person, in any manner whatsoever, to the department for the purpose of reporting alleged criminal activity. Privileged communication shall include a statement by a person, in any manner whatsoever, to a nonprofit entity administering and implementing the department's fish and wildlife reward program pursuant to a cooperative endeavor agreement with the department.

F. The department may execute a cooperative endeavor agreement with an appropriate nonprofit entity to administer and implement its fish and wildlife rewards program. All public monies utilized pursuant to such cooperative endeavor agreement shall be subject to audit and oversight by the legislative auditor.

Acts 1989, No. 235, §1, eff. June 26, 1989; Acts 2004, No. 174, §1; Acts 2006, No. 715, §1.

SUBPART A-1. CIVIL PENALTIES FOR RESTITUTION OF VALUE OF WILDLIFE AND AQUATIC LIFE

§40.1. Liability for value of fish, wild birds, wild quadrupeds, and other wildlife and aquatic life

A person who kills, catches, takes, possesses, or injures any fish, wild birds, wild quadrupeds, and other wildlife and aquatic life in violation of this Title, or a regulation adopted pursuant to this Title, or a federal statute or regulation governing fish and wildlife, or who, through the violation of any other state or federal law or regulation, kills or injures any fish, wild birds, wild quadrupeds, and other wildlife and aquatic life, is liable to the state for the value of each fish, wild bird, wild quadruped, and other wildlife and aquatic life, unlawfully killed, caught, taken, possessed, or injured.

Acts 1988, No. 169, §2.

§40.2. Value of fish, wild birds, wild quadrupeds, and other wildlife and aquatic life

For purposes of this Subpart, the commission shall adopt rules to establish guidelines for determining the value of injured or destroyed fish, wild birds, wild quadrupeds, and other wildlife and aquatic life and shall determine values for same based upon recommendations of department staff and other relevant factors.

Acts 1988, No. 169, §2.

§40.3. Civil penalties; assessment; administrative hearing

A. Whenever the department determines that a violation of R.S. 56:40.1 has occurred, resulting in liability of a person for the value of injured or destroyed wildlife or aquatic life, it shall demand restitution from him for the value of such wildlife or aquatic life, the value of which has been determined in accordance with R.S. 56:40.2. The offender shall be given written notice of the alleged violation and of the value of such injured or destroyed wildlife or aquatic life.

B. In lieu of filing a civil suit to recover the penalties provided for in this Subpart, the department may elect to enforce the provisions of this Subpart by adjudicatory hearing, held in accordance with the provisions of the Administrative Procedure Act. The department shall hold the adjudicatory hearing in the regional office for the parish where the defendant is domiciled or where the violation occurred. The defendant may waive the adjudicatory hearing upon payment of the amount demanded by the department.

C. In any case where the department elects to proceed by adjudicatory hearing, the defendant shall be notified in writing of the time and place of the adjudicatory hearing. Written notice of the time and place of the hearing may be given on any citation or summons issued in connection with the violation or made by certified letter mailed to the defendant at his last known address or at the address that appears on any hunting or fishing license issued to him by the department. The summons or written notice shall notify the defendant and shall constitute notice that the failure to appear at the specified time and location shall result in the assessment of civil penalties and result in the loss of all hunting and fishing privileges while assessed amounts remain unpaid. Notice given

by certified mail in accordance with this Subsection shall be deemed effective fifteen days after the notice is mailed.

D. Either party may appeal from a ruling of the administrative hearing officer to the district court in the judicial district where the offense occurred.

E. The secretary may institute civil proceedings to enforce a final ruling in the Nineteenth Judicial District Court.

F. The person against whom the civil penalties are assessed shall also be liable for attorney fees and all costs of the adjudicatory hearing.

Acts 1988, No. 169, §2; Acts 1992, No. 852, §1; Acts 2001, No. 804, §2.

§40.4. Civil suit for recovery of value

The attorney for the department, attorney general, or the district attorney of the parish in which the violation occurred may bring a civil suit under this Subpart in the name of the state to recover civil penalties for the value of each fish, wild bird, wild quadruped, and other wildlife and aquatic life unlawfully killed, caught, taken, possessed, or injured.

Acts 1988, No. 169, §2.

§40.5. Venue and procedure

A. A suit for recovery of civil penalties brought under this Subpart may be brought either in the parish of the defendant's domicile or in the parish in which the violation occurred.

B. Either party may appeal from a final judgment of the court as in other civil cases.

Acts 1988, No. 169, §2.

§40.6. More than one defendant

If more than one defendant is named in a suit or an adjudicatory proceeding brought under this Subpart, each defendant against whom judgment is rendered is jointly and severally liable for the recovery provided by this Subpart.

Acts 1988, No. 169, §2.

§40.7. Recovery of value in addition to fine

A. The penalties and costs provided by this Subpart are in addition to any fine, forfeiture, other penalty, or costs imposed under any other provision of law.

B. Failure to pay all amounts assessed in accordance with this Subpart shall result in the immediate revocation of all hunting and fishing licenses held by the offender or, in the case of a commercial violation, the immediate revocation of all commercial licenses held by the offender. Revocation of the offender's licenses and privileges as authorized in this Title shall continue, and no new licenses shall be issued to replace those that were revoked for as long as any amount remains unpaid.

C. If the offender purchases or obtains a license of the type that was revoked or engages in any activity which would otherwise require him to obtain a license of the type that was revoked during the period of revocation provided for in Subsection B of this Section, it shall be a class three violation.

D. The provisions of Subsections B and C of this Section shall not apply to any person who has timely filed an appeal of a final ruling or judgment during the pendency of the appeal.

Acts 1988, No. 169, §2; Acts 1992, No. 852, §1; Acts 2001, No. 804, §2.

§40.8. Both civil suit and criminal prosecution permissible; exceptions

The pendency or determination of a suit brought under this Subpart or the pendency or determination of a criminal prosecution for the same killing, catching, taking, possession, or injury does not bar the other action; provided that civil restitution paid pursuant to the provisions of Article 895.2 of the Code of Criminal Procedure or acquittal of a criminal prosecution for the same killing, taking, possession, or injury shall act as a bar to an assessment of civil penalties or a civil action to recover penalties under this Subpart.

Acts 1988, No. 169, §2; Acts 1995, No. 137, §1.

§40.9. Disposition of recovery

A. Any recovery of civil penalties for injury to fish, wild birds, wild quadrupeds, and other wildlife and aquatic life shall be immediately deposited to the Conservation Fund of the Department of Wildlife and Fisheries and credited to the enforcement emergency situation response account within the fund. If the balance in the enforcement emergency situation response account at the end of any fiscal year is one hundred thousand dollars or more, then no monies derived from civil penalties for injury to fish, wild birds, wild quadrupeds or other wildlife and aquatic life shall be deposited into the account until such time as the balance in the account at the end of a fiscal year is less than one hundred thousand dollars.

B. In any civil action brought by the district attorney pursuant to R.S. 56:40.4, the office of the district attorney shall receive forty percent of the amount collected.

Acts 1988, No. 169, §2; Acts 2003, No. 784, §1.

SUBPART B. ENFORCEMENT PROCEDURES**§45. Jurisdiction of trial of violations**

The district courts of this state shall have original jurisdiction of the trial of persons charged with violations of this Chapter.

Acts 1981, No. 837, §1.

§46. Venue when river divides parishes

If any offense under this Chapter is alleged to have been committed in a river dividing two parishes and the exact place of commission of the offense cannot be established, any court in either parish has territorial jurisdiction.

Acts 1981, No. 837, §1.

§47. Venue when offense committed in lake, bay, or other body of water

If any offense under this Chapter is alleged to have been committed in any lake, bay, inlet, or other body of water bounded by more than one parish within the waters of this state, any court in any parish bordering on such waters has territorial jurisdiction.

Acts 1981, No. 837, §1.

§48. Venue when offense committed in the Gulf of Mexico

If any offense under this Chapter is alleged to have been committed in the Gulf of Mexico within the waters of the state, any district court in any parish bordering on the gulf shall have territorial jurisdiction. In addition, if any offense is alleged to have been committed in the Gulf of Mexico outside the state's territorial waters where the state holds jurisdictional authority over the fishing

vessel under the provisions of the Magnuson-Stevens Act, 16 USC 1856, any district court in any parish bordering on the gulf shall have territorial jurisdiction.

Acts 1981, No. 837, §1; Acts 1999, No. 547, §1.

§49. Venue when exact place of vessel cannot be determined

Where the offense alleged relates to the operation of a vessel and the exact place of commission of the offense cannot be established, in addition to the venue provided in Sections 57 and 58, any court at the home port of the vessel has territorial jurisdiction.

Acts 1981, No. 837, §1.

§50. Venue; exception when exact place cannot be determined

A. Where it is alleged that the exact place of commission of the offense cannot be established, no exception to the venue shall be sustained unless the place of commission of the offense is disclosed and such place would make the court in which the charge was brought an improper venue.

B. If the operator or owner professes ignorance of the jurisdiction, there shall be no change of venue from the place where the proceeding was begun.

Acts 1981, No. 837, §1.

§51. Limits of state sovereignty

For the purpose of this Chapter, the jurisdiction of the courts of any parish extends to the limits of the state's sovereignty over tidal waters and the bottoms thereof.

Acts 1981, No. 837, §1.

§52. Issuance of search warrants

Judges of the city courts, district courts, and federal courts, and United States magistrates shall, within their respective jurisdictions, upon proper oath or affirmation, and upon probable cause shown, issue search warrants in aid of the enforcement of the laws or regulations under the jurisdiction of the commission and the department.

Acts 1985, No. 876, §3, eff. July 23, 1985.

§53. Commissioned wildlife enforcement agents of the enforcement division may carry weapons

Commissioned wildlife enforcement agents of the enforcement division of the department may carry weapons concealed or exposed while in the performance of their duties.

Acts 1985, No. 876, §3, eff. July 23, 1985; Acts 1999, No. 13, §1.

§54. License requirements; enforcement by wildlife agents; arrest without warrant

A. Wildlife enforcement agents of the enforcement division shall see that every person dealing in any way in any of the wildlife, fish, and game of the state in the territory assigned to him for which a license must be obtained, has in his possession, and is the owner of, an official license, and is in compliance with the laws, rules, and regulations under the jurisdiction of the department.

B. The secretary, deputy secretary, commissioned wildlife enforcement agents, any of the various sheriffs, deputy sheriffs, constables, deputy constables, marshals, and other police officers of this state may, without a warrant, arrest any person violating any of the laws or regulations under the jurisdiction of the department, or any other law of this state, and may immediately take such person in custody for examination or trial before any officer or court of competent jurisdiction of

this state or of the United States, and may serve and execute any warrant or other process issued by any officer or court of competent jurisdiction of this state for the enforcement of such laws and regulations.

Acts 1985, No. 876, §3, eff. July 23, 1985; Acts 1999, No. 13, §1.

§54.1. Prima facie evidence of violation of law

In all cases of arrest for violation of the game and fish laws, the possession of game, fish, nets, seines, or lines, tackle, or the possession or operation of any other device prohibited, is prima facie evidence of the violation.

Acts 1985, No. 876, §3, eff. July 23, 1985.

§55. Search with or without warrant

A. The secretary, the deputy secretary, or any commissioned wildlife enforcement agent of the enforcement division may visit, inspect, and examine, with or without search warrant, records, any cold storage plant, warehouse, boat, store, car, conveyance, automobile or other vehicle, airplane or other aircraft, basket or other receptacle, or any place of deposit for wild birds, wild quadrupeds, fish, or other aquatic life or any parts thereof whenever there is probable cause to believe that a violation has occurred.

B. Commissioned wildlife enforcement agents of the enforcement division are authorized to visit or inspect at frequent intervals without the need of search warrants, records, cold storage plants, bait stands, warehouses, public restaurants, public and private markets, stores, and places where wild birds, game quadrupeds, fish, or other aquatic life or any parts thereof may be kept and offered for sale, for the purpose of ascertaining whether any laws or regulations under the jurisdiction of the department have been violated. They also shall inspect establishments for commercial licenses required by the department to retail and/or wholesale commercial fish and bait fish where applicable under the provisions of this Chapter. The department may institute proceedings in any court of competent jurisdiction for violation of laws or regulations under its jurisdiction.

Acts 1985, No. 876, §3, eff. July 23, 1985; Acts 1999, No. 13, §1.

§55.1. Toledo Bend Reservoir; assignment of officers

The department is authorized to enter into an agreement with the Sabine River Authority, for the permanent assignment of four commissioned wildlife officers and agents to the Toledo Bend Reservoir. Such officers and agents shall be authorized to enforce any laws under the jurisdiction of the department, including those conferred on duly commissioned wildlife officers and agents of the department, pursuant to this Subpart or pursuant to other law. The Sabine River Authority shall bear all costs of the salaries and related benefits, equipment, and land and water transportation expenses of such officers and agents for a period of two years, commencing September 1, 1992; thereafter, the department shall be responsible for all such costs and expenses of the four officers assigned to the Toledo Bend Reservoir. The officers assigned to the Toledo Bend Reservoir shall remain under the supervision and control of the department.

Acts 1992, No. 1088, §2.

§55.2. Additional authority of commissioned wildlife enforcement agents

A. To facilitate the effective protection of private and public rights and property and life throughout the state's waterways, sea, and land, duly commissioned wildlife enforcement agents of the enforcement division of the Department of Wildlife and Fisheries who have graduated from the Department of Wildlife and Fisheries enforcement training academy, the Louisiana State University law enforcement training program, the Louisiana State Police Training Academy, or the University of Louisiana at Monroe law enforcement training program shall, in addition to the authority

otherwise conferred by law upon such officers, be vested with the same authority and powers conferred by law upon other law enforcement officers of this state, provided that a qualification and requalification for firearms used be established within the department on at least an annual basis to insure the proficiency for firearms use by all officers vested with the authority and powers conferred herein.

B. The enforcement division of the Department of Wildlife and Fisheries is authorized to seek, accept, and expend state or federal funds, or both, available for purposes of enforcement.

Acts 1989, No. 236, §1, eff. June 26, 1989; Acts 1998, 1st Ex. Sess., No. 148, §8; Acts 1999, No. 13, §1; Acts 2001, No. 185, §1.

§55.3. Boats maintained for enforcement; vehicle equipment

A. The department shall keep and maintain suitable boats for the purpose of enforcing the provisions of this Title.

B. Each state owned vehicle, operated by a classified wildlife enforcement agent or officer of the enforcement division who has enforcement authority as defined by R.S. 56:55.2, while acting in his official capacity or performing his duties, may be equipped with such devices as are provided for authorized emergency vehicles in R.S. 32:318(A), (C), (D), (E), and (F). However, the secretary may, at his discretion, exempt special vehicles from the provisions of this Section.

Acts 1985, No. 876, §3, eff. July 23, 1985.

§56. Seizure or surrender of things illegally used or possessed

A. Any enforcing officer may seize:

(1) Any animal or parts thereof, possessed, transported, sold, offered for sale, or purchased contrary to the provisions of this Title.

(2) Deer, bears, or wild turkey or parts thereof in the possession of any person which is not tagged or identified as required by this Title.

(3) Fish and other aquatic life, taken, possessed, transported, sold, offered for sale, or purchased contrary to the provisions of this Title.

(4) Traps, nets, cages, snares, explosives, guns and other devices placed, set, or otherwise used or possessed for the purpose of taking wild birds or quadrupeds contrary to the provisions of this Title.

(5) Tackle, seines and other nets, trawls, tongs, dredges, and other equipment and devices used in taking of fish, shrimp, oysters, or other aquatic life contrary to the provisions of this Title.

(6) Oysters, shrimp, and hides and pelts of fur bearing animals and nongame quadrupeds which are subject to a tax imposed by this Title and on which the tax has not been paid or which are taken contrary to the provisions of this Title.

(7) Tackle, dredges, and scrapers which are possessed or operated in an illegal manner or which are required by the provisions of this Title to be licensed or tagged and which are not so licensed or tagged or which are improperly tagged or which are taken contrary to the provisions of this Title.

(8) Tackle of any type or description, including without limitation such gear listed in R.S. 56:302, 302.5, or 305, which is used by a fisherman to take shrimp, oysters, fish, or other seafood for sale without possessing a commercial fisherman's license.

B. Any live animal which is illegal to possess or which may be possessed only by permit or license from the department may be voluntarily surrendered to the department without penalty. The person surrendering the animal shall be immune from prosecution for illegally possessing or possessing without a permit or license provided the surrendering of the animal is initiated prior to

any independent investigation or contact by any public employee operating in their official capacity. The department may dispose of a surrendered animal in any manner the department deems appropriate.

Acts 1981, No. 837, §1. Acts 1985, No. 876, §3, eff. July 23, 1985; Acts 1991, No. 888, §1, eff. July 23, 1991; Acts 2010, No. 157, §1.

§57. Seizure of vessels, airplanes, vehicles, and equipment

Any enforcing officer shall seize vessels, airplanes, vehicles, and all other means of transport and the equipment used or employed in the commission of offenses prohibited by this Chapter and taken into possession by the department.

Acts 1981, No. 837, §1.

§57.1. Forfeitures for fraud

Where the proof shows that a license as a resident has been obtained by fraud or subterfuge, the vessels and equipment used under that license shall be forfeited by proceedings maintained as provided for the forfeiture of vessels in this Subpart.

Acts 1985, No. 876, §3, eff. July 23, 1985.

§57.2. Turtle excluder devices; findings; enforcement of federal requirements; rules and regulations

NOTE: *As enacted by Acts 1987, No. 283, §1, eff. July 5, 1987.*

A.(1) The National Marine Fisheries Service proposes regulations to require that all shrimp trawls over thirty feet in length, both recreational and commercial, be equipped with turtle excluder devices, hereinafter referred to as TEDs', and has recommended that such regulations be phased in starting July 15, 1987. The legislature recognizes that the imposition of TEDs on Louisiana shrimpers is unjustified, inequitable, and unworkable for the following reasons:

(a) There is little information to conclude that shrimping is a significant causal factor in sea turtle mortality, especially in Louisiana inshore waters.

(b) Factors other than shrimping are contributing to the decrease in sea turtle populations.

(c) Data is available that the nesting population of sea turtles is increasing.

(d) TEDs have not been tested in Louisiana inshore waters to determine their effectiveness in excluding turtles or their efficiency in harvesting shrimp.

(e) The effect of TEDs on the shrimping industry and on the economy of the state as a whole will be severe.

(2) It is, therefore, the purpose of this Section to prevent the unjustified, inequitable, and unworkable imposition of TEDs on Louisiana shrimpers by prohibiting the enforcement of federal regulations relative thereto until the requirements set forth in Subsection B of this Section have been satisfied.

B. The department shall not enforce any federal law or regulation which requires any commercial or recreational fishermen to use TEDs in Louisiana waters until the following conditions have been satisfied:

(1) More accurate and factual information has been developed to show that shrimpers in Louisiana waters contribute significantly to the mortality of sea turtles.

(2) It has been demonstrated that the use of TEDs will appreciably prevent turtle capture in the special conditions which predominate in Louisiana's inshore waters.

(3) TEDs have been thoroughly and scientifically tested in Louisiana waters under normal shrimping conditions.

(4) TEDs will work efficiently with no loss of shrimp.

(5) TEDs will not endanger the life and safety of shrimpers.

(6) The federal government engages in good faith efforts to develop alternative methods to foster sea turtle populations.

C. At such time that the department obtains adequate data and information to meet all conditions set forth in Subsection B of this Section, the department shall present such data and information to the legislature and, subject to approval thereby, shall promulgate rules and regulations to enforce federal requirements for TEDs.

D. If any federal law is enacted to mandate the use of TEDs the legislature directs the attorney general to file a class action suit on behalf of the people of this state to enjoin the implementation of said law.

§57.2. Enforcement of certain federal device requirements prohibited until specific conditions satisfied; rules and regulations

NOTE: *As enacted by Acts 1987, No. 891, §1, eff. July 20, 1987.*

A. The department shall not enforce any federal law which requires the use of turtle exclusion devices by commercial fishermen in Louisiana waters until such devices have been thoroughly and scientifically tested; have been proven to work efficiently with an acceptable amount of loss of commercial catch; have been shown not to cause damage to the state's waterbottoms or other fishery structures or resources; and it has been demonstrated that the use of such devices will appreciably contribute to the attainment of a specific goal.

B. At such time that the department obtains sufficient information to meet the conditions in Subsection A for requiring commercial fishermen in Louisiana waters to use turtle exclusion devices, the department shall promulgate rules and regulations to require such devices. Any rules and regulations promulgated pursuant to this Section shall be subject to the Administrative Procedure Act, R.S. 49:950 et seq.

Acts 1987, No. 283, §1, eff. July 5, 1987; Acts 1987, No. 891, §1, eff. July 20, 1987.

§57.3. Licenses; fraudulent acquisition; penalty

A. The issuance of a license is conditional upon the accuracy of all information submitted by the applicant on the application or license carrier. If the department finds any material misstatement of fact regarding the residency of the person to whom the license was issued, the license shall be voided and immediately surrendered to an agent of the department.

B. Any person, business, or corporation issuing or seeking to obtain a license shall comply with the licensing provisions of Subsection A hereof.

C. Any violation of this Section shall constitute a class three violation.

Acts 1993, No. 240, §1.

§57.4. Fish excluder device requirements; enforcement of federal laws, rules or regulations prohibited; adoption of rules and regulations prohibited

The department is hereby prohibited from enforcing any federal laws, rules, or regulations, or promulgating and adopting any rules and regulations, which require the use of fish excluder devices by commercial fishermen until and unless specifically authorized, empowered, and directed to do so by the legislature.

Acts 1997, No. 202, §1.

§58. Disposition of seizures other than vessels, airplanes, and other vehicles

A. Where things seized under the provisions of R.S. 56:56 are not confiscated by the department and are not perishable, they shall be held by the secretary for use as evidence in connection with any prosecution for violations of this Chapter. If the penalty for the offense charged in connection with the seizure includes forfeiture of the things seized, upon conviction of the offender, the things are forfeited to the department and shall be disposed of as provided in R.S. 56:61. If the penalty for the offense charged in connection with the seizure does not include forfeiture of the things or if there is no conviction, the things, upon conclusion of the trial, shall be returned to the person from whom seized.

B. Where the seizure is of perishables, other than oysters, menhaden and other herring-like fishes, and, because of the lack of readily available facilities for preservation, the expense of preservation as related to the value of the thing, the condition of the thing at time of seizure, or other circumstances not within the control of the secretary, it is impracticable to hold the thing for use as evidence, the secretary shall dispose of the thing, according to rules and regulations adopted by the commission and in all cases, however, using his best efforts to preserve a sample of the thing for use as evidence. Disposition, in the discretion of the commission, may include public or private sale, gifts to schools or charitable institutions, destruction, or return of the thing to its natural habitat. If the penalty for the offense charged in connection with the seizure does not include forfeiture or if there is no conviction, proceeds from any sale under this Subsection, less expenses of the sale, shall be returned to the person from whom the thing was seized.

C. Where oysters have been seized, the commission may require return, at the expense of the person from whom seized, to the area from which the oysters have been removed, or, at the option of the commission, the oysters may be sold at public or private sale, except in the case of polluted oysters. The proceeds of any sale shall be held by the commission until final determination of any proceedings had with respect to the seizure.

D. Where menhaden or other herring-like fishes have been seized, the commission may direct the captain of the resident vessel, at the expense of the person from whom seized, to proceed to the Louisiana processing plant to which the vessel is normally assigned for processing and determination of the value of the catch to the vessel. The owner or captain of the vessel shall immediately deposit with the commission an amount of cash or a certified check for the determined value of the catch to the vessel. Nonresident vessels shall not be released or directed to proceed to points outside of the state until the owner of the vessel binds and obligates himself to meet the same provisions as imposed upon resident vessels and owners. Menhaden and other herring-like fishes may also be sold at public or private sale at the option of the commission. The proceeds shall be held by the commission until final determination of any proceedings had with respect to the seizure.

Acts 1981, No. 837, §1.

§59. Disposition of seized vessels, airplanes, vehicles, and equipment therefor

A. Vessels, airplanes, vehicles, and other means of transport and the equipment therefor, all hereinafter called "the thing", seized under the provisions of R.S. 56:57, may be released from seizure upon the owner or person in charge furnishing bond with security as fixed and approved by the judge or court having jurisdiction. If the penalty for the offense charged includes forfeiture, upon conviction of the offender, the court shall order the thing forfeited to the department and sold at public auction by the sheriff without necessity of appraisal but after advertisement as prescribed by law for the sale of movable property seized under a writ of fieri facias. The court, as an alternative to forfeiture and sale, and on petition of the secretary, may order suspension of operation of the thing for not less than thirty days nor more than ninety days. During any suspension of operation of the thing, it shall be kept in the custody of the department at the cost and risk of the

thing, its owner or operator, and not released until all charges are paid. The owner or operator may provide a keeper at his own expense, the thing however, to continue in the custody of the commission.

B. Where forfeiture or suspension is decreed or where the owner or lessee of the thing proves the offense was committed without his knowledge or consent, the captain, pilot, or other person in charge or command of the thing at the time of commission of the offense, by order of the court shall be enjoined from engaging in use or operation of the thing in violation of any provision of this Title. Further, the captain, pilot, or other person in charge or command of the thing at the time of commission of the offense, by order of the court, shall be suspended from engaging in the taking or in activity in which he was engaged at the time of his arrest for a period of not less than sixty days nor more than six months. In addition the captain, pilot, or person in charge or command shall be guilty of a class three violation.

C. Proceedings under this Section may be in rem against the thing and when so instituted shall be conducted in accordance with R.S. 34:801 through R.S. 34:817 when not inconsistent with this Chapter. Notice of an in rem proceeding shall be given by the department as provided in R.S. 34:806 and persons interested may file answers as provided in R.S. 34:808. If no answer is filed, default may be taken as provided in R.S. 34:809. The plaintiff may, at its option, join a suit in personam against the vessel owner or operator.

D. Upon seizure of the thing as provided in R.S. 56:57 and either before or after proceedings conforming therewith have been filed in the district court, the secretary, as party plaintiff, may enter into a compromise with parties defendant and file a pleading setting forth the seizure and the cause thereof. The agreement and the case shall be docketed with the approval of the court and shall be the basis of a final civil judgment entitled to full authority, faith, and credit binding on all parties with the force and effect of a thing adjudged. No compromise shall be effected where the actual suspension of the thing shall be ordered and decreed for less than ten days. If it be shown that the owner or lessee is without guilty knowledge, the guilty parties shall be guilty of a class three violation.

Acts 1981, No. 837, §1; Acts 1985, No. 876, §3, eff. July 23, 1985.

§60. Confiscation of things seized

The Wildlife and Fisheries Commission shall adopt rules and regulations concerning disposition of all things seized and forfeited in the provisions of this Chapter.

Acts 1981, No. 837, §1.

§61. Disposition of things, other than vessels, airplanes, vehicles and equipment, confiscated or forfeited to the department

Things, other than vessels, airplanes, vehicles, and equipment, confiscated by the department or forfeited to the commission shall be disposed of under regulations to be established by the commission. The preferred disposition shall be by public sale, however, disposition may include gifts to schools or charitable institutions or destruction.

Acts 1981, No. 837, §1.

§62. Time limit for retention of things seized

Things which have been seized by the department may in any case be disposed of by the department by the methods authorized in R.S. 56:61 after having been held by the department for two years.

Acts 1981, No. 837, §1; Acts 1997, No. 263, §1, eff. June 17, 1997.

§63. Proceeds of sales of things seized; commingling with conservation fund

Where things seized by the department are sold, upon proper record of the sale being made and preserved, the proceeds of the sale shall be deposited in the conservation fund to be used solely for uniform cleaning and the acquisition of equipment for enforcement agents. Any return of the proceeds thereafter required may be made from the conservation fund.

Acts 1981, No. 837, §1; Acts 1991, No. 913, §1.

§64. Proceeds of sales of things seized; no liability after two years

The department shall have no liability whatever for the return of the proceeds from the sale of things seized after the lapse of two years and may then destroy all records pertaining to the sale.

Acts 1981, No. 837, §1; Acts 1997, No. 263, §1, eff. June 17, 1997.

§65. No liability for acts performed in good faith

A. Neither the department nor any enforcing officer, agent, or other employee of the department shall incur any liability whatsoever for any search, arrest, seizure, or other act done by him in the good faith performance of his duties under this Chapter. The attorney general may defend any employee of the department in any civil action in which the employee is a defendant as a result of acts performed in the course of his duties as an employee when the attorney general determines that the defense by the attorney general is required to protect the interests of the state.

B. If the attorney general does not defend an employee as provided in Subsection A of this Section, the attorney for the Department of Wildlife and Fisheries may so defend such employee. The department's attorney may also defend such employee in any criminal action in which the employee is a defendant as a result of acts performed in the course of his duties as an employee when the department determines that such defense is required to protect the interests of the state.

Acts 1983, No. 430, §1.

§66. No criminal liability for covert operations officers

No enforcing officer within the covert operations section of the enforcement division shall be held criminally liable for any violation of Chapter 1 of this Title when said violation is committed in the course and scope of the enforcing officer's employment with the department, and is necessary for the effective performance of his duties. Enforcing officers must report any such violation to the secretary or his designee within twenty-four hours of its commission, where possible to do so, in order to receive the criminal immunity provided under this Section.

Acts 1985, No. 648, §1, eff. July 16, 1985.

§67. Enforcement of civil judgment

Judgments recovered on civil demands may be enforced according to law. No license for any purpose whatsoever shall be issued to the defendant by the commission or by any commission or office required to enforce the laws protecting natural resources, until such judgment is satisfied.

Acts 1985, No. 876, §3, eff. July 23, 1985.

§68. Aviation unit; powers and duties

A. There is hereby created an aviation unit in the Department of Wildlife and Fisheries. The unit created herein shall have authority of ownership, control, maintenance, and operation of all state-owned aircraft, including helicopters and fixed-wing aircraft, used by the Department of Wildlife and Fisheries. The secretary of the Department of Wildlife and Fisheries is authorized to appoint as many employees to the unit as may be permitted by legislative appropriation.

B. The law enforcement employees of the unit shall have the same duties and powers as are provided for other regularly commissioned officers of the enforcement division of the department as provided in R.S. 56:31 through R.S. 56:65 and such other duties and rank as are assigned by the secretary.

Acts 1985, No. 507, §2.

§68.1. Federal enforcement officers; Avoyelles Parish; Cameron Parish; Calcasieu Parish

The secretary may enter into an agreement with the United States Department of the Interior and the National Marine Fisheries Service of the United States Department of Commerce to allow said secretary to issue special commissions to federal fish and wildlife agents. The commissions shall allow federal fish and wildlife agents to enforce Louisiana wildlife and fisheries laws, rules, and regulations only in Avoyelles Parish, Calcasieu Lake, and the federal wildlife refuges in Cameron and Calcasieu Parishes. The federal agents acting pursuant to such special commissions shall have the same powers and duties as are provided for regularly commissioned officers of the enforcement division of the department. These powers and duties shall include making arrests and conducting searches and seizures. Such federal agents shall also be granted the rights, powers, privileges, and immunities provided by this Subpart and shall be governed by departmental policies in the fulfillment of such powers and duties.

Acts 1991, No. 719, §1, eff. July 18, 1991; Acts 1993, No. 162, §1.

§68.2. Federal enforcement; saltwater fisheries laws

Commissioned law enforcement officers of the United States Department of the Interior and the National Marine Fisheries Service of the United States Department of Commerce shall have the same powers and duties as are provided for regularly commissioned officers of the enforcement division of the Louisiana Department of Wildlife and Fisheries to enforce any and all saltwater fisheries laws and regulations under the jurisdiction of the department, to make arrests, and to conduct searches and seizures. Such federal officers shall also be granted the rights, powers, privileges, and immunities provided by this Subpart in the fulfillment of such powers and duties.

Acts 1995, No. 1316, §2.

§69. Exemptions from traffic regulations

A. A Louisiana Wildlife and Fisheries Enforcement agent, while carrying out his official duties, may exercise the privileges set forth in this Section, but subject to the conditions set forth in this Section.

B. With respect to an official department vehicle while being used in an ongoing effort to apprehend persons suspected of violating the laws of this state or federal laws relating to wildlife or fish, an enforcement agent may:

(1) Park irrespective of the provisions of the Louisiana Highway Regulatory Act or other law so long as he does not endanger life or property.

(2) Proceed past a red or stop signal or stop sign, but only after slowing down or stopping as may be necessary so that the agent does not endanger life or property.

(3) Exceed the maximum speed limits so long as he does not endanger life or property.

(4) Disregard regulations governing the direction of movement or turning in specified directions so long as he does not endanger life or property.

(5) Operate his vehicle at night without any lights or with reduced lights so long as he does not endanger life or property.

C. In all cases where life or property would otherwise be endangered audible and visual signals sufficient to warn motorists shall be used.

D. Nothing contained herein shall relieve an enforcement agent of the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the enforcement agent from the consequences of his reckless disregard for the safety of others.

Acts 1990, No. 363, §1.

SUBPART B-1. AUXILIARY ENFORCEMENT PROGRAM

§69.1. Purpose

A. Law enforcement is an important tool in effective wildlife and fisheries management. Louisiana's extensive natural resources and the large numbers of resource users cause enforcement to become especially critical. However, costs associated with enforcement often prevent the Department of Wildlife and Fisheries from providing enforcement adequate to meet needs.

B. The purpose of this Subpart, then, is to create and to provide a means whereby auxiliary enforcement agents can supplement the efforts of wildlife agents of the Department of Wildlife and Fisheries.

Acts 1990, No. 498, §2.

§69.2. Definitions

For purposes of this Subpart, the following terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning:

(1) "Auxiliary agent" means an individual commissioned by the secretary who has the powers and duties of a wildlife agent, within limitations as provided by this Subpart, but who serves without compensation. Auxiliary shall include the following persons provided in this Subpart: wildlife volunteer, junior auxiliary agent, senior auxiliary agent, and reserve agent.

(2) "Commission" means the official authorization of the secretary empowering an individual to perform the duties of an auxiliary enforcement agent.

(3) "POST" means peace officer standards and training, as that term is used in R.S. 40:2401 et seq.

(4) "Secretary" means the secretary of the Department of Wildlife and Fisheries.

(5) "Wildlife agent" means an agent of the enforcement division of the Department of Wildlife and Fisheries.

Acts 1990, No. 498, §2.

§69.3. Commissions and commissioning

A. The secretary may commission auxiliary agents under the provisions of this Subpart to supplement the efforts of wildlife agents to the degree necessary to adequately protect the state's wildlife and fishery resources. However, at no time shall there be more than fifty active commissioned auxiliary agents.

B.(1) The secretary shall have the sole authority to commission auxiliary agents, and to revoke the commission of any auxiliary agent as provided in this Subpart.

(2) No commission shall be issued for a period greater than one year but may be renewed as provided by R.S. 56:69.7.

C. The secretary shall develop plans and procedures for implementing, administering, and managing the auxiliary law enforcement program which shall include requirements that each auxiliary agent:

(1) Perform his duties under the supervision or direction of a wildlife agent within the enforcement division.

(2) Be evaluated on an annual basis.

(3) Perform his duties for a minimum of twenty-four hours per month.

(4) Provide evidence of insurance coverage pursuant to R.S. 56:69.12(C).

Acts 1990, No. 498, §2.

§69.4. Requirements for commissioning

No commission shall be issued to an individual who has not made written application to the secretary, on forms developed by the secretary. No person under the age of twenty-one shall be commissioned as an auxiliary agent. Each applicant shall be required to complete the following:

(1) An extensive background investigation performed by the department which, at the very least, shall assure that no commission is issued to an individual who was ever convicted of a felony, a misdemeanor, or any wildlife or fishery violation.

(2) A written examination designed to show competency in general knowledge matters and a basic understanding of wildlife and fisheries.

(3) Any other requirements the secretary may adopt by rule and regulation.

Acts 1990, No. 498, §2.

§69.5. Training

A. Each person accepted into the auxiliary program shall be commissioned as a wildlife volunteer while attending and participating in the training program. Failure to attend and participate in training shall be grounds to revoke a wildlife volunteer commission. Requirements for training may be waived if the auxiliary agent was previously certified by the POST Council, successfully completes a refresher course as described in R.S. 56:69.7(D), and passes the examination required by R.S. 56:69.6(A).

B. No wildlife volunteer shall perform any enforcement duties until he has successfully completed the training program provided in Subsection C. While in the training program, a wildlife volunteer may perform assigned, nonenforcement tasks and may wear a uniform.

C.(1) The secretary shall develop minimum training standards for the auxiliary enforcement program. This program shall be composed of such standards and curriculum sufficient to be recognized as a valid peace officer's training program by the Louisiana Council on Peace Officer Standards and Training (POST Council) and shall be designed to prepare auxiliary agents for field work. Standards for training shall include but not be limited to the following:

(a) Fish and wildlife laws, regulations, and rules.

(b) Firearms qualification.

(c) Arrest, search, and seizure.

(d) Use of force.

(e) Officer survival.

(f) First aid.

(g) Investigation and evidence.

(h) Civil liability of peace officers.

(i) Reports and court testimony.

(2) Any program conducted by a POST-certified training academy or by the department under the provisions of this Subpart shall satisfy the training requirements of the auxiliary enforcement training program.

(3) No other training program shall be acceptable in satisfying the requirements of this Subpart unless approved by the secretary.

Acts 1990, No. 498, §2.

§69.6. Probation

A. An auxiliary agent who has satisfied the minimum training standards required in R.S. 56:69.5, shall be commissioned as a junior auxiliary agent and shall serve as such for a probationary period of one year. This probationary period shall provide the junior auxiliary agent with on-the-job training under the supervision and direction of a wildlife agent.

B. During the one-year probationary period, a junior auxiliary agent shall have all the powers prescribed for an auxiliary agent in R.S. 56:69.10 except that he shall perform enforcement duties only when in the company of and under the direct supervision of the wildlife agent to whom he has been assigned.

C. Upon completion of the probationary period, the wildlife agent to whom the junior auxiliary agent has been assigned shall evaluate the auxiliary agent and recommend that the secretary renew or revoke the agent's commission. Nothing herein shall prevent the wildlife agent who has been assigned to supervise the junior auxiliary agent from recommending revocation of a commission at any time during the probationary period.

Acts 1990, No. 498, §2.

§69.7. Renewal of commissions

A. The secretary may renew each commission of an auxiliary agent for one year provided the auxiliary agent satisfies the following requirements:

- (1) Receive a favorable recommendation from his supervising wildlife agent.
- (2) Requalify on the POST firearms course.
- (3) Attend seminars, workshops, or other meetings on wildlife and fisheries enforcement matters which may be required by the enforcement division.
- (4) Complies with any other rule or regulation as may be required by the secretary.

B. Any auxiliary agent receiving an unfavorable recommendation from his supervising wildlife agent may request that the enforcement division appoint a hearing panel to review the case, pursuant to rules and regulations adopted by the secretary. The findings of the hearing panel shall preempt any recommendation of the supervising agent.

C. Commissions shall be renewed as follows depending upon the level of experience and training of an auxiliary agent:

(1) Wildlife volunteer. A wildlife volunteer is a person enrolled in the auxiliary agent program but who has not satisfactorily completed the auxiliary agent training program.

(2) Junior auxiliary agent. A junior auxiliary agent is a person who has successfully completed the probationary period required in R.S. 56:69.6 but who has not reached the level of training and experience required of a senior auxiliary agent. Each junior auxiliary agent shall work with and under the direct supervision of a wildlife agent.

(3) Senior auxiliary agent. A senior auxiliary agent is a person who has served as an auxiliary agent for a minimum of four hundred eighty hours, including his probationary period, and who has

demonstrated proficiency in individual operational specialties as may be designated by the secretary. A senior auxiliary agent may work alone, but only at the direction of a wildlife agent.

(4) Reserve agent. A reserve agent is a person who complies with the provisions of R.S. 56:69.9.

D. Any individual who has not participated in the auxiliary agent program for two or more years may apply for renewal of a commission provided he complies with the following requirements:

(1) Successful completion of a refresher training course approved by the department, which shall include but not be limited to the following items:

(a) Fish and wildlife law, regulations, and rules.

(b) POST firearms requalification.

(2) Pass the written examination provided in R.S. 56:69.6(A).

(3) Complete an investigation into his background for the period of his nonparticipation in the auxiliary agent program.

Acts 1990, No. 498, §2.

§69.8. Revocation of commissions

A. The secretary shall revoke a commission at any time for the following reasons:

(1) The auxiliary agent is convicted of a felony, a misdemeanor, or any wildlife or fishery violation.

(2) The auxiliary agent fails to perform a minimum of twenty-four hours per month as an auxiliary agent, unless written permission is obtained from his supervising wildlife agent.

(3) The auxiliary agent receives an unfavorable recommendation from his supervisor or the hearing panel as provided in R.S. 56:69.7(B).

(4) The auxiliary agent fails to maintain the minimum insurance coverage as provided in this Subpart.

(5) The auxiliary agent fails to comply with any other rule or regulation as may be required by the secretary.

B. The secretary may, in his discretion, revoke a commission for the following reasons:

(1) An auxiliary agent violates departmental policy.

(2) An auxiliary agent engages in misconduct or insubordination.

(3) Noncompliance with any other rule or regulation as may be required by the secretary.

Acts 1990, No. 498, §2.

NOTE: *Subsection (A)(5) and (B)(3) appear to conflict.*

§69.9. Reserve agent

A. Any person who was a wildlife enforcement agent with the Department of Wildlife and Fisheries and who retired or otherwise left the department in good standing but who has maintained his certification by the POST Council or any other person who is a peace officer who has maintained his certification by the POST Council may be commissioned as a reserve agent under the provisions of this Subpart.

B. The secretary may commission a reserve agent as provided herein if the person satisfies the requirements of R.S. 56:69.7 as may be determined necessary by the secretary.

C. Each reserve agent shall have all the powers of and may function as a wildlife agent, but shall receive no compensation for his participation as a reserve agent in the auxiliary agent program.

Acts 1990, No. 498, §2.

§69.10. Powers and duties of auxiliary agents

A. Each auxiliary agent shall have the same enforcement powers as a wildlife agent, subject to the limitations provided in this Subpart, except that he shall be limited only to wildlife and fisheries enforcement on land.

B. Each auxiliary agent may be allowed to carry weapons concealed or exposed while in the performance of his duties as provided for commissioned employees of the department under R.S. 56:53.

C. Notwithstanding any provision herein to the contrary, an auxiliary agent shall not have any enforcement powers or authority as a wildlife agent unless he is on duty and is working under the supervision and direction of a wildlife agent.

Acts 1990, No. 498, §2.

§69.11. Compensation

No person commissioned under the provisions of this Subpart shall receive any compensation for time or expenses incurred while in training or while in the performance of his duties as an auxiliary agent. The department may provide each auxiliary agent with a uniform and pay tuition costs to attend a training program required by R.S. 56:69.5(C).

Acts 1990, No. 498, §2.

§69.12. Liability

A. The provisions of Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950, pertaining to worker's compensation, shall not apply to and there is specifically excluded from the operation thereof, any auxiliary enforcement agent commissioned pursuant to the provisions of this Subpart.

B. An auxiliary agent shall provide evidence of insurance coverage for personal health and accident insurance. The department shall provide comprehensive general liability insurance, including personal injury coverage for third parties.

Acts 1990, No. 498, §2.

§69.13. Rules and regulations

The secretary shall adopt rules and regulations for the administration and implementation of the auxiliary enforcement program, consistent with provisions of the Administrative Procedure Act.

Acts 1990, No. 498, §2.

SUBPART B-2. WILDLIFE VIOLATOR COMPACT

§69.21. Wildlife Violator Compact

A. This Subpart shall be known and may be cited as the "Wildlife Violator Compact". Louisiana, a participating state, finds that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all of their residents and visitors.

(2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with its statutes, laws, ordinances, and administrative rules relating to the management of those resources.

(3) The preservation, protection, management, and restoration of wildlife contribute immeasurably to the aesthetic, recreational, and economic aspects of the natural resources of a state.

(4) Wildlife resources are valuable without regard to political boundaries; therefore, a person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules of a participating state as a condition precedent to the continuance or issuance of a license to hunt, fish, trap, or possess wildlife.

(5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(6) The mobility of many wildlife violators necessitates the maintenance of channels of communication among the various states.

(7) Usually, one of the following enforcement practices is used on a person who is cited for a wildlife violation in a state other than his home state:

- (a) Is required to post collateral or bond to secure appearance for a trial at a later date.
- (b) Is taken directly into custody until collateral or bond is posted.
- (c) Is taken directly to court for an immediate appearance.

(8) The purpose of the enforcement practices set forth in Paragraph (7) of this Subsection is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.

(9) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the wildlife officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.

(10) The enforcement practices described in Paragraph (7) of this Subsection cause unnecessary inconvenience and, at times, hardship for a person who is unable to post collateral, furnish a bond, stand trial, or pay a fine at that time and is therefore compelled to remain in custody until some alternative arrangement is made.

(11) The enforcement practices described in Paragraph (7) of this Subsection consume an undue amount of enforcement time.

B. It is the policy of the participating states to:

(1) Promote compliance with the statutes, laws, ordinances, and administrative rules relating to the management of wildlife resources in the respective states.

(2) Recognize the suspension of wildlife license privileges of a person whose license privileges have been suspended by another participating state and treat the suspension as if it had occurred in the home state.

(3) Allow a person, except as provided in R.S. 56:69.23, to accept a citation and, without delay, proceed on his way, whether or not the person is a resident of the state in which the citation was issued, provided that the person's home state is a participating state in the Wildlife Violator Compact.

(4) Report to the appropriate participating state, as provided in the compact manual, a conviction recorded against a person whose home state was not the issuing state.

- (5) Allow a home state to recognize and treat convictions recorded against its residents, which convictions occurred in another participating state, as though they had occurred in the home state.
- (6) Cooperate to the fullest extent with other participating states in enforcing compliance with the terms of citations issued by one participating state to residents of another participating state.
- (7) Maximize effective use of law enforcement personnel and information.
- (8) Assist court systems in the efficient disposition of wildlife violations.

Acts 2008, No. 363, §1.

§69.22. Definitions

A. For the purposes of this Subpart, the following terms shall have the following meanings:

- (1) "Citation" means a summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation, which contains an order requiring the person to respond.
- (2) "Collateral" means cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation.
- (3) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal or through the payment of fines, costs, and surcharges.
- (4) "Conviction" means a conviction, including a court conviction, for an offense related to the preservation, protection, management, or restoration of wildlife that is prohibited by statute, law, ordinance, or administrative rule. "Conviction" also includes the forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed the offense, the payment of a penalty assessment, a plea of nolo contendere, and the imposition of a deferred or suspended sentence by the court.
- (5) "Court" means a court of law, including a magistrate court.
- (6) "Home state" means the state of primary residence of a person.
- (7) "Issuing state" means the participating state that issues a citation to the violator.
- (8) "License" means a license, permit, or other public document that conveys to a person to whom it was issued the privilege of pursuing, possessing, or taking wildlife regulated by statute, law, ordinance, or administrative rule of a participating state.
- (9) "Licensing authority" means the department or division within each participating state that is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.
- (10) "Participating state" means a state that enacts legislation to become a member of the Wildlife Violator Compact.
- (11) "Personal recognizance" means an agreement by a person made at the time of issuance of a citation that the person will comply with the terms of the citation.
- (12) "State" means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and other countries.
- (13) "Suspension" means a revocation, denial, or withdrawal of license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by a license.
- (14) "Wildlife" means species of animals, including mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans which are protected or otherwise regulated by statute, law, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from

state to state, and determination of whether a species is "wildlife" for the purposes of the Wildlife Violator Compact shall be based on local law.

(15) "Wildlife law" means a statute, law, ordinance, or administrative rule developed and enacted for the management and use of wildlife resources.

(16) "Wildlife officer" means an individual authorized by a participating state to issue a citation.

(17) "Wildlife violation" means a cited violation of a statute, law, ordinance, or administrative rule developed and enacted for the management and use of wildlife resources.

Acts 2008, No. 363, §1.

§69.23. Procedures for issuing citations in relation to the Wildlife Violators Compact

A. When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to a person whose home state is another participating state in the same manner as if the person were a resident of the issuing state and shall not require the person to post collateral to secure appearance, subject to the exceptions set forth in Subsection B of this Section, provided that the wildlife officer receives the personal recognizance of the person that he will comply with the terms of the citation. Nothing herein shall prohibit physical arrests if the wildlife officer deems necessary.

B. Personal recognizance is acceptable, if both are present:

(1) If not prohibited by local law or the compact manual.

(2) If the violator provides adequate proof of identification to the wildlife officer.

C. Upon conviction or failure of a person to comply with the terms of a citation, the appropriate official shall report the conviction or failure to comply with the licensing authority of the issuing state. The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

D. Upon receipt of the report of a conviction or noncompliance pursuant to Subsection C of this Section, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and with the content as prescribed in the compact manual.

Acts 2008, No. 363, §1.

§69.24. Procedure for the home state

A. Upon receipt of a report from the licensing authority of an issuing state reporting the failure of a person to comply with the terms of a citation, the licensing authority of the home state shall:

(1) Notify the person.

(2) Initiate a suspension action in accordance with the home state's suspension procedures.

(3) Suspend the person's license privileges until satisfactory evidence of compliance with the terms of the citation has been furnished by the issuing state to the home state licensing authority.

B. Due process safeguards shall be accorded to alleged violators.

C. Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter the conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

D. The licensing authority of the home state shall:

(1) Maintain a record of actions taken.

(2) Make reports to issuing states as provided in the compact manual.

Acts 2008, No. 363, §1.

§69.25. Reciprocal recognition of suspension

A. A participating state shall recognize the suspension of license privileges of a person by another participating state as though the violation resulting in the suspension satisfies each of the following:

- (1) Had occurred in the home state.
- (2) Could have been the basis of the suspension of license privileges in the home state.

B. A participating state shall communicate suspension information to other participating states in the form and with the content as contained in the compact manual.

Acts 2008, No. 363, §1.

§69.26. Applicability of other laws

Except as expressly required by provisions of the Wildlife Violator Compact, nothing herein shall be construed to affect the right of a participating state to apply its laws relating to license privileges to a person or circumstance or to invalidate or prevent an agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement. No provision of this Subpart shall be construed as to affect the ability to arrest, seizure of equipment, evidence as provided by law, or any other provision of this Title.

Acts 2008, No. 363, §1.

§69.27. Compact administrator procedures

A. A board of compact administrators is established to:

- (1) Administer the provisions of this compact.
- (2) Serve as a governing body for the resolution of all matters relating to the operation of the Wildlife Violator Compact.

B. The board shall be composed of one representative, to be known as the "compact administrator" from each of the participating states.

C. A compact administrator shall be an enforcement agent appointed by the secretary of the Department of Wildlife and Fisheries.

D. A compact administrator may provide for the discharge of his duties and the performance of his functions by an alternate.

E. An alternate shall not be entitled to serve unless written notification of his identity has been given to the board of compact administrators.

F. Each member of the board of compact administrators shall be entitled to one vote.

G. An action of the board of compact administrators shall not be binding unless taken at a meeting at which a majority of the total number of the board's votes is cast in favor thereof.

H. Action by the board of compact administrators shall be taken only at a meeting at which a majority of the participating states are represented.

I. The board of compact administrators shall elect annually from its membership a chairman and vice chairman.

J. The board of compact administrators shall adopt bylaws not inconsistent with the provisions of the Wildlife Violator Compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.

K. The board of compact administrators may accept for its purposes and functions under the Wildlife Violator Compact donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or a governmental agency, and may receive, use, and dispose of the donations and grants.

L. The board of compact administrators may contract with or accept services or personnel from a governmental or intergovernmental agency, individual, firm, corporation, or a private nonprofit organization or institution.

M. The board of compact administrators shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of the Wildlife Violator Compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

Acts 2008, No. 363, §1.

§69.28. Entry into and withdrawal from the Wildlife Violator Compact

A. The Wildlife Violator Compact shall become effective at the time it is adopted in substantially similar form by two or more states.

B. Entry into the Wildlife Violator Compact shall be made by resolution of ratification by the authorized officials of the applying state and submitted to the chairman of the board of compact administrators.

C. The resolution shall substantially be in the form and content as provided in the compact manual and shall include all of the following:

(1) A citation of the authority from which the state is empowered to become a party to the Wildlife Violator Compact.

(2) An agreement of compliance with the terms and provisions of this compact.

(3) An agreement that compact entry is with all states participating in the Wildlife Violator Compact and with all additional states that legally become a party to the Wildlife Violator Compact.

D. The effective date of entry shall be specified by the applying state but shall not be less than sixty days after notice has been given to each participating state that the resolution from the applying state has been received by either of the following:

(1) The chairman of the board of compact administrators.

(2) The secretary of the board of compact administrators.

E. A participating state may withdraw from participation in the Wildlife Violator Compact by official written notice to each participating state, but withdrawal shall not become effective until ninety days after the notice of withdrawal is given. No withdrawal of any state shall affect the validity of the Wildlife Violator Compact as to the remaining participating states.

Acts 2008, No. 363, §1.

§69.29. Amendments to the Wildlife Violator Compact

A. The Wildlife Violator Compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.

B. Adoption of an amendment shall require endorsement by all participating states and shall become effective thirty days after the date of the last endorsement.

C. Failure of a participating state to respond to the chairman of the board of compact administrators within one hundred twenty days after receipt of a proposed amendment shall constitute endorsement thereof.

Acts 2008, No. 363, §1.

§69.30. Licensing authority; rules and regulations

A. The Department of Wildlife and Fisheries is designated as the licensing authority in Louisiana for the purposes of the Wildlife Violator Compact.

B. The secretary of the department through its compact administrator shall furnish to the appropriate authorities of the participating states any information or documents reasonably necessary to facilitate the administration of the Wildlife Violator Compact.

C. The Louisiana Wildlife and Fisheries Commission may adopt rules and regulations to implement and administer the provisions of the Wildlife Violator Compact.

Acts 2008, No. 363, §1.

§69.31. Construction and severability

A. The Wildlife Violator Compact shall be liberally construed so as to effectuate the purposes stated herein.

B. The provisions of the Wildlife Violator Compact shall be severable, and if a phrase, clause, sentence, or provision of that compact is declared to be contrary to the constitution of a participating state or of the United States, or the applicability thereof to a government, agency, individual, or circumstance is held invalid, the validity of the remainder of the compact shall not be affected thereby.

C. If the Wildlife Violator Compact is held contrary to the constitution of a participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected regarding all severable matters.

Acts 2008, No. 363, §1.

SUBPART C. LOUISIANA HELP OUR WILDLIFE PROGRAM

§70.1. Title

This Subpart may be cited as the "Louisiana Help Our Wildlife Law".

Acts 1995, No. 77, §1.

§70.2. Creation and purpose

In order to enhance the efforts to promote the wildlife and fisheries laws of the state of Louisiana by providing incentives in the form of monetary rewards for the reporting of information that is essential to and aids in the apprehension and prosecution of law violators, in order to promote public interest and involvement in stopping serious violations of fish and wildlife laws, in order to reduce the number of law violators, and in order to create and maintain a fund for the payment of rewards assisting in law enforcement, the Louisiana Help Our Wildlife Program is hereby created within the Department of Wildlife and Fisheries.

Acts 1995, No. 77, §1.

§70.3. Louisiana Help Our Wildlife Fund; creation; composition of fund; uses of fund

A. The Louisiana Help Our Wildlife Fund, hereinafter referred to as "the fund", is hereby created within the Louisiana Wildlife and Fisheries Conservation Fund in the state treasury.

B. The fund shall be composed of:

(1) Monies from appropriations by the legislature.

(2) All monies paid as a cost levied on class violations as provided in Subsection C of this Section.

(3) Any federal monies made available to the state for enforcement of anti-poaching laws.

C.(1) In addition to any other costs otherwise imposed by law, and notwithstanding any provision of law to the contrary, a cost of five dollars for any class violation as provided in R.S. 56:31 through 37.1 is hereby levied in each criminal action which results in conviction or guilty plea. The recipient of such costs shall remit them upon collection to the state treasurer.

(2) Notwithstanding any other provision of law to the contrary, in addition to any fine imposed under R.S. 30:2531 and 2531.1 or fine imposed pursuant to any parish or municipal ordinance prohibiting littering, an additional fine of five dollars is hereby imposed for each violation of said statutes or ordinances which results in a conviction, guilty plea, or plea of nolo contendere. The recipient of such fines shall, notwithstanding any other law to the contrary, remit them to the state treasurer upon collection.

D.(1) After complying with the requirements of Article VII, Section 9 (B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, the treasurer each fiscal year, prior to placing the remaining funds in the state general fund, shall pay the same amount of funds as was paid into the state treasury pursuant to Subsections B and C of this Section into a special fund hereby created within the Louisiana Wildlife and Fisheries Conservation Fund in the state treasury and known as the Louisiana Help Our Wildlife Fund.

(2) The monies in the Louisiana Help Our Wildlife Fund shall be used solely for the purposes set forth in this Subpart and only in the amounts appropriated each year by the legislature.

(3) All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

(4) The monies in the fund shall be invested by the treasurer in the same manner as monies in the Louisiana Wildlife and Fisheries Conservation Fund. All interest earned on monies invested by the treasurer shall be deposited in the Louisiana Help Our Wildlife Fund.

E. The Louisiana Help Our Wildlife Fund may be used solely for the following purposes:

(1) Rewards for information leading to the arrest and conviction of poachers and litterers.

(2) A promotional and educational campaign to inform the general public on:

(a) The harm and danger of poaching and littering.

(b) The reward for information which leads to the arrest and conviction of poachers and litterers.

(3) Toll free telephone numbers.

(4) All expenses necessary to implement the provisions of this Subpart as determined by the secretary of the Department of Wildlife and Fisheries.

Acts 1995, No. 77, §1; Acts 1998, 1st Ex. Sess., No. 148, §8.

§70.4. Rewards; payments

A.(1) The secretary of the Department of Wildlife and Fisheries, or his designee, shall determine which informers are to be granted rewards, specify the amount of each reward, and direct the payment of the rewards from the Louisiana Help Our Wildlife Fund.

(2) No reward may be less than two hundred dollars or more than one thousand dollars. No amount in excess of that available in the Louisiana Help Our Wildlife Fund shall be payable as a reward under this Subpart.

B. No reward may be granted to a person or an immediate family member of a person who is a peace officer, game warden, prosecutor, employee of the department, or member of the judiciary.

Acts 1995, No. 77, §1.

PART III. INTERSTATE COOPERATION AND SCIENTIFIC RESEARCH

SUBPART A. GULF STATES MARINE FISHERIES COMPACT

§71. Governor authorized to enter into compact with other states relative to better utilization of fisheries

The governor shall execute a compact on behalf of Louisiana with any one or more of the states of Florida, Mississippi, Alabama, and Texas, and with such other states as may enter into the compact legally therein in the form substantially as follows in this Part.

Acts 1981, No. 837, §2.

§72. Purpose of compact

The contracting states solemnly agree: Whereas the gulf coast states have the proprietary interest in and jurisdiction over fisheries in the waters within their respective boundaries, it is the purpose of this compact to promote the better utilization of the fisheries--marine, shell, and anadromous of the seaboard of the Gulf of Mexico--by the development of a joint program for the promotion and protection of such fisheries and the prevention of the physical waste of the fisheries from any cause.

Acts 1981, No. 837, §2.

§73. Time compact becomes operative; parties to compact

This compact becomes operative immediately upon ratification by any two or more of the states of Florida, Alabama, Mississippi, Louisiana, and Texas and when the Congress has given its consent subject to Article I, Section 10, of the Constitution of the United States. Any state contiguous to any of the aforementioned states or riparian upon waters which flow into waters under the jurisdiction of any of the aforementioned states and which are frequented by anadromous fish or marine species may become a party hereto as hereinafter in this Part provided.

Acts 1981, No. 837, §2.

§74. Gulf States Marine Fisheries Commission; representatives; qualifications

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Gulf States Marine Fisheries Commission. One shall be the head of the administrative agency of such state charged with the conservation of the fishery resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by the governor thereof, provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed in such manner as may be established by law. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries, to be appointed by the governor. This commission shall be a body corporate with the powers and duties set forth in this Part.

Acts 1981, No. 837, §2.

§75. Powers of commission; legislation

The commission shall make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries--marine, shell, anadromous--of the gulf coast. The commission may recommend the coordination of the exercise of the police powers of the several states within their respective jurisdiction to promote the preservation of these fisheries and their protection against overfishing, waste, depletion, or any abuse whatsoever, and to assure a

continuing yield from the fishery resources of the aforementioned states. To that end the commission shall draft and recommend to the governors and legislatures of the various signatory states, legislation dealing with the conservation of the marine, shell, and anadromous fisheries of the gulf seaboard. The commission shall from time to time present to the governor of each compacting state its recommendations relating to enactments to be presented to the legislature of that state in furthering the interest and purposes of this compact. The commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable. The commission may recommend to the states party hereto the stocking of the waters of the states with fish and fish eggs or joint stocking by some or all of the states party hereto. When two or more states jointly stock waters, the commission shall act as the coordinating agency for the stocking.

Acts 1981, No. 837, §2.

§76. Officers; rules and regulations; meetings

The commission shall elect from its number a chairman and a vice chairman, shall appoint and, at its pleasure, remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications, and compensation. The commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place. It shall meet at least once a year.

Acts 1981, No. 837, §2.

§77. Action taken by commission; requirements

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states. No recommendation shall be made by the commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The commission shall define what shall be an interest.

Acts 1981, No. 837, §2.

§78. U.S. Fish and Wildlife Service to be primary research agency; advisory committee

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Gulf States Marine Fisheries Commission, cooperating with the research agencies in each state for that purpose. Representatives of the Fish and Wildlife Service shall attend the meetings of the commission. An advisory committee to be representative of the commercial saltwater fishermen, the saltwater anglers, and such other interests of each state as the commissioners deem advisable may be established by the commissioners from each state for the purpose of advising those commissioners upon such recommendations as it desires to make.

Acts 1981, No. 837, §2.

§79. Participation of non-coastal state; limitation

When any state other than those named specifically in R.S. 56:73 becomes a party hereto for the purpose of conserving its anadromous fish or marine species in accordance with the provisions of R.S. 56:73, the participation of the state in the action of the commission shall be limited to such species of fish.

Acts 1981, No. 837, §2.

§80. Signatory states not precluded from additional restrictions

Nothing in this compact limits the powers or the proprietary interest of any signatory state or repeals or prevents the enactment of any legislation or the enforcement of any requirement by a signatory state imposing additional conditions and restrictions to conserve its fisheries.

Acts 1981, No. 837, §2.

§81. Additional compact amendments by signatory states

It is agreed that any two or more states party hereto may further amend this compact by acts of their respective legislatures, subject to approval of Congress as provided in Article I, Section 10 of the Constitution of the United States, to designate the Gulf States Marine Fisheries Commission as a joint regulating authority for the joint regulation of specific fisheries affecting only such states as shall so compact, and at their joint expense. The representatives of such states shall constitute a separate section of the Gulf States Marine Fisheries Commission for the exercise of the additional powers so granted, but the creation of such section does not deprive the state so compacting of any of their privileges or powers in the Gulf States Marine Fisheries Commission as constituted under the other articles of this compact.

Acts 1981, No. 837, §2.

§82. Absence from representation on the commission

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the governor thereof.

Acts 1981, No. 837, §2.

§83. Operating expenses; proration

The operating expenses of the Gulf States Marine Fisheries Commission shall be borne by the states party hereto. Such initial appropriations as are set forth below shall be made available yearly until modified as hereinafter provided:

Florida	\$ 3,500.00
Alabama	1,000.00
Mississippi	1,000.00
Louisiana	5,000.00
Texas	<u>2,500.00</u>
Total	\$ 13,000.00

The proration and total cost per year of thirteen thousand dollars, above mentioned, is estimate only, for initial operations, and may be changed when found necessary by the commission and approved by the legislatures of the respective states. Each state party hereto agrees to provide, in the manner most acceptable to it, the travel costs and necessary expenses of its commissioners and other representatives to and from meetings of the commission or its duly constituted section or committees.

Acts 1981, No. 837, §2.

§84. Continuance of compact; renunciation; notice

This compact continues in force and remains binding upon each compacting state until renounced by act of the legislature of such state, in such form as it may choose. Renunciation shall not become effective until six months after the effective date of the action taken by the legislature.

Notice of renunciation shall be given to the other states party hereto by the secretary of state of the compacting state so renouncing upon passage of the act.

Acts 1981, No. 837, §2.

§85. Commission representatives from Louisiana; appointment; alternates

In pursuance of R.S. 56:74, there shall be three representatives from Louisiana to the commission. The Secretary of Wildlife and Fisheries shall be an ex officio representative; a member of the state legislature from a coastal parish, named by the governor for a four year period from the date of his election or until his successor has been elected shall be the second representative; the third representative shall be appointed by the governor, by and with the advice and consent of the Senate, and shall be a citizen of Louisiana having a knowledge of and interest in marine fisheries. The term of the third representative is for a period of four years. He shall hold office until his successor shall be appointed and qualified.

The Secretary of Wildlife and Fisheries, as ex officio representative, may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting or hearing by or other proceeding of the commission.

Acts 1981, No. 837, §2.

§86. Commission powers to be no limitation on state powers

Any powers granted in this Part to the commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in the commission by other laws of the state of Louisiana, by the laws of the states of Florida, Texas, Mississippi, or Alabama, by the Congress of the United States or by the terms of the compact.

Acts 1981, No. 837, §2.

§87. Necessary travel expenses; payment

All necessary expenses incident to the membership of Louisiana in the commission are payable out of the general fund by the treasurer of this state. Such expenses shall include travel cost and necessary expenses of the commissioners and other representatives of Louisiana to and from meetings of the commission or its duly constituted sections or committees.

Acts 1981, No. 837, §2.

**SUBPART B. LOUISIANA WILDLIFE STAMP
RESEARCH PROGRAM**

§91. *Repealed by Acts 1992, No. 984, §18.*

§§92, 93. *Repealed by Acts 1989, No. 662, §8, eff. July 7, 1989.*

§§94 to 96. *Repealed by Acts 1992, No. 984, §18.*

PART IV. WILD BIRDS AND WILD QUADRUPEDS

SUBPART A. HUNTING

§101. *Repealed by Acts 1981, No. 737, §2.*

§102. *Repealed by Acts 1985, No. 876, §4, eff. July 23, 1985.*

§103. License; license books; returns; transfer of license prohibited

A. No resident of this state shall at any time, hunt, take, possess, or cause to be transported by any other person any wild bird or any wild quadruped, unless he is at the time of such act the lawful holder of an effective license for that purpose issued to him by authority of the Louisiana Wildlife and Fisheries Commission.

B. Basic hunting licenses which do not authorize deer, turkey, bobcat, or migratory waterfowl hunting may be issued beginning June first of each calendar year and shall expire on the following June thirtieth.

C.(1) In order to hunt, take, possess, or transport deer, turkey, or bobcat, in Louisiana, in addition to a basic hunting license, a resident shall be required to purchase and have on his person a big game license. In order to hunt, take, possess, or transport waterfowl in Louisiana, in addition to a basic hunting license, a resident shall be required to purchase and have on his person a duck license. The fee for an annual resident duck license shall be five dollars and fifty cents. In order to hunt, take, possess, or transport turkey in Louisiana, in addition to a big game hunting license, a resident shall be required to purchase and have on his person a wild turkey license. The fee for an annual resident wild turkey license shall be five dollars and fifty cents.

(2) In addition to all other licenses required by law, a special primitive firearms license may be authorized to take deer during the special deer hunting season for primitive firearms. A fee may be charged for the issuance of such license as provided in R.S. 56:104(A)(3), and the fees therefrom shall be dedicated to the Louisiana Department of Wildlife and Fisheries to be used for the development and study of the deer herds within the state after costs for the administration of the licensing program have been deducted.

D. Repealed by Acts 2000, 2nd Ex. Sess., No. 1, §4, eff. June 26, 2000.

E. Every license shall by its terms be effective only during the open season for the particular kinds of wild birds and wild quadrupeds authorized thereby to be taken. Every such license shall be personal to the person to whom issued and shall not be assigned or transferred to, or used by, any other person. Every officer authorized to enforce the provisions of this Subpart shall take possession of any license found in the possession of any person other than the one to whom issued and deliver it to the department to be canceled. The license shall thereupon be null and void. Licensees shall have licenses or an effective license number, together with a form of physical identification, in their possession when hunting and shall produce same upon demand of any person authorized to enforce the provisions of this Subpart. Any violation of this Subsection shall constitute a class three violation punishable as provided in R.S. 56:33.

F. Any authorized issuing agent that issues any license under the provisions of this Section shall retain fifty cents of the fee collected from the sale of each resident license issued by him as his full compensation for his service in issuing such licenses. Each such agent may retain one dollar from the fee collected for the issuance of licenses to nonresidents.

Added by Acts 1981, No. 736, §1. Amended by Acts 1982, No. 420, §1, eff. July 1, 1983; Acts 1989, No. 240, §1, eff. June 26, 1989; Acts 1993, No. 73, §1, eff. July 1, 1993; Acts 1997, No. 1234, §1, eff. July 1, 1998; Acts 1998, 1st Ex. Sess., No. 164, §2, eff. Sept. 21, 1998; Acts 2000, 2nd Ex. Sess., No. 1, §§3, 4, eff. June 26, 2000; Acts 2003, No. 1248, §1; Acts 2006, No. 283, §1; Acts 2008, No. 51, §1, eff. June 5, 2008; Acts 2010, No. 100, §1.

§103.1. Nonresident licenses; penalties

A. No nonresident shall at any time hunt, take, possess, or cause to be transported by any other person any wild bird or any wild quadruped, unless he is at the time of such act the lawful holder of

an effective nonresident license for that purpose issued to him by authority of the Louisiana Wildlife and Fisheries Commission.

B.(1) In order to hunt, take, possess, or transport deer or turkey in Louisiana, in addition to a nonresident basic hunting license, a nonresident shall be required to purchase and have on his person a nonresident big game license. In order to hunt, take, possess, or transport waterfowl in Louisiana, in addition to a nonresident basic hunting license, a nonresident shall be required to purchase and have on his person a nonresident duck license. The fee for an annual nonresident duck license shall be twenty-five dollars. In order to hunt, take, possess, or transport turkey in Louisiana, in addition to a nonresident big game hunting license, a nonresident shall be required to purchase and have on his person a nonresident wild turkey license. The fee for an annual nonresident wild turkey license shall be twenty dollars and fifty cents.

(2) In addition to all other licenses required by law, a special primitive firearms license may be authorized to take deer during the special deer hunting season for primitive firearms. A fee may be charged for the issuance of such license as provided in R.S. 56:104(A)(4), and the fees therefrom shall be dedicated to the Louisiana Department of Wildlife and Fisheries to be used for the development and study of the deer herds within the state after costs for the administration of the licensing program have been deducted.

C. Violation of this Section shall constitute a class two violation.

Acts 1993, No. 73, §1, eff. July 1, 1993; Acts 2000, 2nd Ex. Sess., No. 1, §3, eff. June 26, 2000; Acts 2008, No. 51, §1, eff. June 5, 2008; Acts 2010, No. 100, §1.

§104. License fees; reciprocity; exceptions

A. No license shall be issued under this Part unless there has been previously paid a fee or fees as hereinafter set forth:

(1)(a) Except as specified in Subsection B of this Section, a resident who is sixteen years of age or older shall purchase and possess a basic hunting license for a fee of fifteen dollars in order to hunt, take, possess, or transport wild birds and quadrupeds on which open seasons are declared. Special additional licenses are required to hunt, take, possess, or transport deer, turkey, or migratory waterfowl within the limits of the state. In order to obtain these licenses, a resident must meet residency requirements as specified in R.S. 56:8 ("Bona fide resident") and present either a Louisiana driver's license or a special identification card issued by the Department of Public Safety and Corrections under the provisions of R.S. 40:1321.

(b) An amount equal to ten percent of the fees collected from the sale of hunting licenses shall be dedicated by the commission to the development and preservation of breeding grounds for migratory waterfowl, the funds to be expended for such purposes through Ducks Unlimited, Inc. or under the direction of the Louisiana Wildlife and Fisheries Commission at its discretion. An additional ten percent of each fee collected from the sale of hunting licenses shall be dedicated by the commission to the development and rejuvenation of the quail, dove, and rabbit population of this state, the funds to be expended by the department beginning with the Fiscal Year 1975-1976 through a rejuvenation program to be promulgated under administrative regulation of the commission. However, not less than twenty-five percent of the funds derived from hunting license fees shall be deposited on a monthly basis into the Wildlife Habitat and Natural Heritage Trust as provided for in R.S. 56:1923 and shall be expended solely for land acquisition for wildlife management areas, including the purchase of lands for upland game purposes.

(2) In the case of a nonresident who is sixteen years of age or older, a basic hunting license fee of two hundred dollars for the entire season is required to hunt, take, possess, or transport wild birds or wild quadrupeds on which open seasons are declared. Special additional licenses are required to hunt, take, possess, or transport deer, turkey, or migratory waterfowl.

(3) In the case of a resident, except as specified in Subsection B of this Section, a fee of fourteen dollars is required to hunt, take, possess, or transport deer, turkey, or bobcat. This license, which shall be known as a big game license, shall be required in addition to the basic hunting license. In addition, a fee of ten dollars and fifty cents may be charged a resident for the issuance of a special primitive firearms license to take deer during the special deer season for primitive firearms as provided in R.S. 56:103(C)(2).

(4) Except as specified in Subsection B of this Section, in addition to a nonresident hunting license, a nonresident shall be required to purchase and possess a nonresident big game license for a fee of two hundred twenty-five dollars for the entire season in order to hunt, take, possess, or transport deer, turkey, or bobcat. In addition, a fee of fifty dollars shall be charged a nonresident for the issuance of a special primitive firearms license to take deer during the special deer season for primitive firearms as provided in R.S. 56:103.1(B)(2).

(5) The holder of a hunting license issued by the state of Mississippi shall have the same rights and privileges to hunt wild game birds and quadrupeds upon islands in and the waters of the Mississippi River and other land resulting from accretion along the Mississippi River where that river forms the boundary between the states of Louisiana and Mississippi as are provided by law for the holder of a Louisiana hunting license. This Paragraph shall only take effect and become operative if, as, and when the state of Mississippi grants reciprocal privileges to the holders of hunting and fishing or angling licenses issued by the state of Louisiana.

(6) *Repealed by Acts 2008, No. 27, §2, eff. July 1, 2008.*

(7) Any person who was born in Louisiana and who possesses a valid Louisiana birth certificate may purchase a nonresident temporary hunting license that is valid for five consecutive days for the cost of a resident hunting license as provided in Paragraph (1) of this Subsection. Any licenses or permits which may be required in addition to the basic hunting license, such as a big game license or turkey license, may be purchased for the cost of a resident license and shall be valid for the same five consecutive days as the nonresident temporary hunting license.

(8)(a) A resident who is totally and permanently disabled and receiving a disability benefit from the federal social security system or a disability retirement income from a retirement system whose members are exempt from federal social security, either pursuant to the Railroad Retirement Insurance Act, 45 U.S.C. 231, or because they are employees of a state or a political subdivision of the state that has not voluntarily agreed to participate in federal social security under 42 U.S.C. 418, may purchase a basic hunting license which will also include a WMA hunting permit for a fee of five dollars in order to hunt, take, possess, or transport wild birds and quadrupeds on which open seasons are declared. In addition to the basic hunting license fee, any such person may also purchase a resident big game hunting license for a fee of five dollars and a resident bow hunting license for a fee of five dollars.

(b) A letter from the federal social security administration or retirement system granting disability benefits shall be required at time of purchase, along with proper identification. Such letter shall be evidence of qualification for the reduced fee provided for in this Paragraph.

(9) Any person who is not a resident of the state of Louisiana but who is a full-time student enrolled in an accredited college or university that has a physical campus in the state of Louisiana may purchase a nonresident basic hunting license for the cost of a resident hunting license as provided in Paragraph (1) of this Subsection. Any licenses or permits which may be required in addition to the basic hunting license, such as a big game license or a duck license or a turkey license, may also be purchased for the cost of the equivalent resident license or permit. In order to purchase a license under the provisions of this Paragraph, the person shall provide to the Department of Wildlife and Fisheries verification of his full-time status. Such verification may be provided through the mail. Any person hunting under a license issued pursuant to this Paragraph shall also have on his person his student identification card which indicates current full-time status.

B.(1) *Repealed by Acts 2000, 2nd Ex. Sess., No. 1, §4, eff. June 26, 2000.*

(2) Veterans of the armed forces or of the Louisiana Army National Guard or Louisiana Air National Guard having a permanent service connected disability classification of fifty percent or more and who are Louisiana residents or resident persons who are blind, paraplegic, or multiple amputees shall, upon identification and proof of disability satisfactory to the department, be issued licenses which will also include a WMA hunting permit without the payment of any fees therefor.

(3) *Repealed by Acts 2000, 2nd Ex. Sess., No. 1, §4, eff. June 26, 2000.*

(4) Notwithstanding any other provision of law to the contrary, in order to hunt or fish in the state of Louisiana, a resident of this state who turns sixty years of age on or after June 1, 2000, shall be required to obtain a senior hunting and fishing license. However, any resident who turned sixty years of age prior to June 1, 2000, may choose to purchase a senior hunting and fishing license. A fee of five dollars shall be charged for this license, and the license shall be available from June first of each calendar year and shall be valid from the date of purchase through the following June thirtieth. This license shall be in lieu of basic hunting, big game, bow, primitive firearms, and waterfowl licenses, turkey hunting stamps, WMA hunting permits, and the basic and saltwater fishing licenses and must be in the possession of the licensee when the licensee is engaged in hunting or fishing activities. Possession of this license shall authorize the licensee to use a crossbow or a bow that is drawn, held, and released by mechanical means. Magnified scopes may be used with crossbows.

C. Notwithstanding the requirement of cash payment provided for in Subsection A of this Section, nonresident hunting licenses provided for in R.S. 56:103.1 may be purchased with a qualified credit card in accordance with the rules of the department adopted pursuant to R.S. 56:642.

D. The secretary may exempt for good cause persons or groups of people from the license fee requirements of this Part. Such exemption shall be in the form of a letter of permit from the secretary. The commission is authorized to promulgate rules and regulations which establish the criteria for such exemptions and which otherwise implement this exemption.

E.(1) A nonresident may purchase temporary hunting licenses as follows:

- | | |
|--|-----------------|
| (a) Small game including migratory birds | \$29.00 per day |
| (b) Deer (any weapon) | \$36.00 per day |
| (c) Turkey | \$36.00 per day |

(2) All funds received from the sale of licenses under the provisions of this Subsection shall be deposited to the Conservation Fund.

Amended by Acts 1950, No. 456, §1; Acts 1952, No. 25; Acts 1954, No. 551, §1; Acts 1956, No. 48, §1; Acts 1956, No. 543, §1; Acts 1960, No. 190, §1, eff. June 28, 1960; Acts 1966, No. 47, §1; Acts 1968, No. 372, §1; Acts 1968, Ex. Sess., No. 2, §1; Acts 1972, No. 369, §1; Acts 1974, No. 216, §1; Acts 1974, No. 217, §1; Acts 1974, No. 689, §1; Acts 1974, No. 717, §1; Acts 1975, No. 246, §1; Acts 1975, No. 651, §1; Acts 1976, No. 81, §1; Acts 1976, No. 417, §1; Acts 1978, No. 123, §1, eff. June 22, 1978; Acts 1978, No. 576, §1; Acts 1979, No. 242, §1; Acts 1979, No. 245, §1; Acts 1980, No. 166, §1; Acts 1981, No. 209, §1; Acts 1981, No. 736, §1; Acts 1982, No. 420, §1, eff. July 1, 1983; Acts 1982, No. 480, §1; Acts 1983, No. 74, §1; Acts 1986, No. 520, §1; Acts 1987, No. 507, §1; Acts 1989, No. 616, §1, eff. July 6, 1989; Acts 1989, No. 696, §1, eff. July 1, 1989; Acts 1990, No. 236, §1; Acts 1991, No. 587, §1, eff. July 16, 1991; Acts 1992, No. 434, §1; Acts 1992, No. 856, §1, eff. July 1, 1993; Acts 1993, No. 73, §1, eff. July 1, 1993; Acts 1993, No. 256, §1, eff. July 1, 1993; Acts 1995, No. 660, §1; Acts 1998, 1st Ex. Sess., No. 164, §2, eff. Sept. 21, 1998; Acts 1999, No. 522, §1; Acts 2000, 2nd Ex. Sess., No. 1, §§3, 4, eff. June 26, 2000; Acts 2001, No. 151, §1; Acts 2001, No. 270, §1; Acts 2001, No. 320, §1; Acts 2001, No. 324, §1; Acts 2003, No. 77, §1; Acts 2003, No. 1248, §1; Acts 2004, No. 438, §1; Acts 2006, No. 775, §1; Acts 2007, No. 7, §1; Acts 2008, No. 27, §1, 2, eff. July 1, 2008; Acts 2008, No. 51, §1, eff. June 5, 2008; Acts 2010, No. 289, §1.

§104.1. Physically challenged hunter permits

A. The Louisiana Wildlife and Fisheries Commission is hereby authorized to adopt rules and regulations for the creation and issuance of hunting permits for individuals who are temporarily or permanently disabled. A temporary disability is one of such severity that it shall last for a duration of at least one year. The rules and regulations shall provide for the duration and costs of the permits and provide for disability classifications of "wheelchair bound", "mobility impaired" as defined in R.S. 47:463.4(E), and "amputee of an upper extremity". Such permits may be issued only to those persons certified by a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners. If the physician certifies that the disability is temporary, the person holding the permit shall be required to re-certify to the department each year that such certification is still valid. The commission rules and regulations shall provide for special handicap hunts, special deer seasons, and access to wildlife management areas.

B. During the formulation of the rules and regulations provided for in this Section, the commission shall request and receive advice and information from Louisiana Outdoorsmen With Disabilities, Inc.

Acts 1995, No. 1226, §1, eff. June 29, 1995; Acts 1997, No. 396, §1, eff. June 20, 1997; Acts 2006, No. 775, §1; Acts 2008, No. 51, §1, eff. June 5, 2008.

§105. Special permits and licenses; scientific or purpose; bow licenses; beaver permit

A. The department may, in its discretion and upon such terms and conditions as it may prescribe, issue to accredited representatives of any public park, museum, educational or scientific institution, or of the federal government or any state government, recognized scientist, or to any other responsible person a permit to take, possess, and transport at any time within and from this state wild birds or the plumage, skins, nests, eggs, or young thereof and wild quadrupeds, the skins or young thereof; if the department is satisfied that they are to be taken or possessed for scientific, educational, experimental, or breeding purposes only and are not to be sold or otherwise disposed of by the permittee for profit, and if the permittee obligates himself to deliver to the department within sixty days after taking, and in any event before the removal thereof from the state, a detailed descriptive inventory of the wild birds, wild quadrupeds, and other things taken under the permit.

B. In addition to all other licenses required by law, a special bow license is authorized allowing the holder of such a license to hunt with bows during bow hunting season. A fee of ten dollars and fifty cents may be charged a resident and fifty dollars shall be charged a nonresident for the issuance of such a license, and the proceeds therefrom shall be dedicated to the Conservation Fund, after costs for the administration of this Subsection have been deducted.

C. Any nonpublic authorized issuing agent that issues any license under the provisions of this Section shall retain fifty cents of the fee collected from the sale of each license issued by him as his full compensation for his services in issuing such licenses.

D. In addition to all other licenses required by law, the department shall issue a special permit authorizing the holder to hunt beaver between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Beaver may be taken by use of a headlight. The permit holder shall delineate and the permit shall indicate the specific area in which this permit shall be valid. This special permit shall be issued only by the department and may be obtained by applying in person to the department at any district office, or at any other location designated by the department. There is no fee charged for a Louisiana resident obtaining this permit.

Added by Acts 1981, No. 736, §1. Amended by Acts 1982, No. 420, §1, eff. July 1, 1983; Acts 1986, No. 520, §1; Acts 1992, No. 856, §1, eff. July 1, 1993; Acts 1993, No. 256, §1, eff. July 1, 1993; Acts 1999, No. 160, §1; Acts 2000, 2d Ex. Sess., No. 1, §3, eff. June 26, 2000.

§106. Field trials

Notwithstanding any provision of law to the contrary, a nonresident may participate in Louisiana in a field trial conducted by recognized field trial associations that are registered with the Louisiana Department of Wildlife and Fisheries using dogs in such field trial without being required to obtain any hunting license so long as the field trial association has given to the office of wildlife and the enforcement division of the Department of Wildlife and Fisheries, at least five days prior to the date of such field trial, notice of the dates and place of the trial. Such notice may be given electronically through facsimile or e-mail. Requirements for registration of field trial associations will be established by the Louisiana Department of Wildlife and Fisheries. Participants may carry firearms and discharge live ammunition during such field trials, if required to do so by the rules of the field trial.

Added by Acts 1981, No. 736, §1; Acts 1988, No. 534, §1; Acts 2003, No. 452, §1.

§107. Firing, feeding and breeding grounds

In order to protect wild birds and wild quadrupeds and to prevent the destruction of feeding and breeding grounds thereof, no person shall wilfully set fire to any wild woodland, marshland, or prairie land. However, this Section does not apply to the owner of the land setting such fires to clear or prepare his enclosed land for agricultural or pastoral purposes or for the purpose of improving food conditions for the wildlife found thereon. In any case, this shall be done only under permit and under the supervision of persons authorized to enforce the provisions of this Sub-part. Such authorized burning shall not be done during the breeding season of wild bird life.

§108. Deer and turkey harvest records and tagging

A. The Wildlife and Fisheries Commission may promulgate and adopt rules and regulations in accordance with the Administrative Procedure Act in relation to deer or turkey harvest records and tagging. Such rules and regulations may include the following: tagging requirements, gender, age, antler requirements, take, possession, limit, and reporting requirements.

B. Deer tagging shall only occur when a reduced buck limit is adopted by the commission.

Acts 2004, No. 841, §1.

§109. Wildlife management areas; wildlife refuges; public hunting grounds and recreation areas; notice; signs; disabled hunters

A. The commission may establish, maintain, and manage any state wildlife management area, wildlife refuge, public hunting ground, or outdoor recreation area, as it deems proper for wildlife management purposes. With the approval of the governor, it may lease, buy, or accept donation of, and set apart, any other lands suitable and desirable for such purposes and thereon establish, maintain, and operate such areas. The public shall be notified of the fact of the establishment of such areas by publication of a proclamation by the governor, describing the exact location and description of the lands set apart and the objects and purposes of the dedication, for thirty days in the official journal of the state and the official journal of the parish where the lands are located. The commission shall cause suitable signs to be placed at reasonable distances along the boundaries of the lands and at roads and other entrances for the information of the public. No person shall willfully or maliciously remove, destroy, or deface any sign or notice placed or posted. The commission shall authorize persons over the age of sixty to use trails in the wildlife management areas which are set aside for use exclusively by disabled persons.

B. The commission shall be the sole authority and shall establish all rules and regulations pertaining to the propagation, protection and harvest of all species of wildlife, including both male

and female sexes of wild quadrupeds, wild birds, fish and alligators existing, propagated or released by the commission upon lands so designated as wildlife management areas, wildlife refuges, public hunting grounds or outdoor recreation areas.

C. No person shall knowingly take, attempt to take, disturb, or destroy any wild bird or wild quadruped or the nest, egg, or young thereof on lands set apart as wildlife management areas and wildlife refuges, or have in his possession or keep, while on the lands, any trap, snare, or other device capable of being used in the taking or disturbance of the birds or quadrupeds on such areas, unless the person previously has been expressly authorized by a permit from the department to do so and only for the purpose and under the conditions specified in the permit.

D.(1) On and after July 1, 1993, a Wild Louisiana Stamp, hunting license, or fishing license shall be required for use of department administered lands including wildlife refuges and wildlife management and habitat conservation areas. Persons under sixteen years of age and sixty years of age or older are exempt from this requirement. Persons attending official functions of private, non-profit and charitable organizations recognized as tax exempt under the provisions of the U.S. Internal Revenue Code shall be exempt from this requirement.

(2) Persons using department administered lands for commercial purposes for which the department is paid a royalty or special fee, agents of the state on official business, and persons or groups using department administered lands for purposes other than fishing or hunting who receive, for good cause, a letter of permit from the secretary specifically waiving the Wild Louisiana Stamp, shall be exempt.

(3) For an initial violation of failing to possess a Wild Louisiana Stamp, fishing license, or hunting license while on department administered lands, as required by this Subsection, the violator shall immediately obtain a required stamp or license or be required to leave the department administered lands. In such instance of an initial violation, the violator shall be given directions to the nearest place where such stamp or license may be purchased. After the initial violation, any subsequent offenses shall be class one violations as designated in R.S. 56:31. This Paragraph shall not apply to violations of hunting or fishing without a license.

(4) The department shall prominently post and maintain at each entrance to those lands subject to this Subsection a sign stating that all visitors, except those exempt by law, must possess a Wild Louisiana Stamp, a hunting license, a fishing license, or a WMA hunting permit while on those lands.

(5)(a) In addition to other fees and licenses required by law, any person between the ages of eighteen and sixty, both inclusive, who hunts on any land administered by the department, including wildlife refuges and wildlife management and habitat conservation areas, shall purchase and have in his possession a WMA hunting permit. Traversing through department-administered lands shall not require a permit. The fee for a WMA hunting permit shall be fifteen dollars each year. The permit shall be available for purchase beginning June first of each year and will be valid from the date of purchase through the following June thirtieth. The permittee shall have the permit in his possession whenever engaged in hunting on lands administered by the department. Funds collected from the WMA hunting permit shall be used for the maintenance and upkeep of wildlife management areas. The secretary may exempt for good cause persons or groups of people from the requirements of this Paragraph. Such exemption shall be in the form of a letter of permit from the secretary. The commission is authorized to promulgate rules and regulations which establish the criteria for such exemptions and which otherwise implement this exemption.

(b) A resident between the ages of eighteen and sixty, both inclusive, who meets the requirements of R.S. 56:104(A)(8) or (B)(2) shall be exempt from payment of the permit fee required by this Paragraph.

E. The commission shall establish a state all-terrain vehicle trail at least twelve miles in length in the Boeuf Wildlife Management Area. The trail established shall be the same trail that was previously approved and permitted by the department for use by Wish I Could, Incorporated. The trail shall be used for organized rides by nonprofit organizations for charitable and educational purposes no more than twice per year per organization. No alcohol shall be sold or consumed on the trail during the rides. The secretary may prohibit any organization from using the wildlife management area and the vehicle trail if any person in that organization violates the provisions of this Subsection.

F. Except as provided in Subsection D, a violation of the provisions of this Section, or rules and regulations promulgated pursuant thereto, shall constitute a class two violation.

Amended by Acts 1974, No. 717, §1; Acts 1977, No. 136, §1; Acts 1981, No. 736, §1; Acts 1992, No. 193, §1; Acts 1992, No. 966, §1; Acts 1993, No. 188, §1; Acts 1993, No. 441, §1; Acts 1995, No. 513, §1; Acts 1995, No. 731, §1; Acts 1995, No. 1226, §2, eff. June 29, 1995; Acts 1997, No. 1092, §1, eff. July 14, 1997; Acts 2000, 2d Ex. Sess., No. 1, §3, eff. June 26, 2000; Acts 2004, No. 438, §1; Acts 2007, No. 7, §1; Acts 2010, No. 790, §1.

§109.1. Use of all-terrain vehicle trails on wildlife management areas

The department shall keep at least one all-terrain vehicle trail on each department-owned wildlife management area that has such a trail open throughout the year. The department may temporarily close the year-round trail if weather or other conditions render the use of the trail a public safety or an environmental hazard. Access to the year-round trail shall be granted for use by all-terrain vehicles, motorcycles, horses, and bicycles, under rules and regulations promulgated under the Administrative Procedure Act. Persons using the year-round all-terrain vehicle trails shall possess a WMA permit. A violation of the provisions of the Section, or rules and regulations promulgated pursuant thereto, shall constitute a class one violation.

Acts 2004, No. 847, §1.

§109.2. Preservation of wildlife management areas; wildlife refuges; public hunting grounds and recreation areas

A. The commission shall exercise its authority to manage wildlife management areas, wildlife refuges, public hunting grounds and recreation areas in a manner to support, promote and enhance public hunting, fishing, and recreational opportunities to the extent authorized by law. The commission shall recognize, to the extent authorized by law, hunting, fishing, and recreational opportunities as primary uses of wildlife management areas, wildlife refuges, public hunting grounds and recreation areas that are available for public hunting, fishing, and recreational opportunities. The commission shall make land management decisions based on criteria that include public hunting, fishing, and recreational opportunities as a primary consideration.

B. Before March first of each calendar year, the commission shall submit to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment a written report containing a listing of all acreage owned by the department and managed by the commission that is available for public hunting, fishing, and recreational opportunities and a listing of all acreage that was lost or gained for such purposes.

Acts 2006, No. 561, §2; Acts 2008, No. 580, §7.

§110. Deer Management Assistance Program areas; notice; signs; prohibitions

A. The department shall direct the owner or operator of the Deer Management Assistance Program area to post suitable signs identifying the lands as a Deer Management Assistance Program area which shall be placed at reasonable distances along the boundaries of the lands and at roads and

other entrances for the information of the public. The department shall establish rules and regulations regarding the description and content of the signs and the manner and method of posting signs to reasonably identify the lands as Deer Management Assistance Program areas. No person shall willfully or maliciously remove, destroy, or deface any sign or notice placed or posted.

B. After the posting of the Deer Management Assistance Program area as provided in Subsection A, no person shall knowingly take, attempt to take, disturb, or destroy any wild bird or wild quadruped or the nest, egg, or young thereof on lands designated as Deer Management Assistance Program areas, or shall have in his possession or keep, while on the lands, any firearm, trap, snare, or other device capable of being used in the taking or disturbance of the birds or quadrupeds on such areas, unless the person has been expressly authorized by a permit from the owner, lessee, lessor, or hunting club or organization authorized to hunt on the land to do so and then only for the purpose and under the conditions specified in the permit.

C. The owner or operator of the Deer Management Assistance Program area shall be responsible for the actual direct cost of posting the lands with signs as provided in Subsection A.

D. Violation of the provisions of Subsection A of this Section shall constitute a class one violation.

E. Violation of the provisions of Subsection B of this Section shall constitute a class two violation.

Acts 1990, No. 499, §1.

§110.1. Quality Deer Management Program

A. The department shall have authority over the Quality Deer Management Program ("program"), and shall formulate additional guidelines according to property-specific objectives, goals, and limitations.

B. The program shall be developed using a management philosophy that encourages good stewardship and unites landowners, hunters, and managers in a common goal of producing biologically and socially balanced deer herds within existing environmental, social, and legal constraints. The program shall include protocols for the protection of young bucks, including an adequate harvest of female deer to maintain a healthy population in balance with existing habitat conditions and landowner desires. The program shall also promote the production of quality deer, quality habitat, and quality deer hunting experiences.

C. The department shall use its resources to do the following:

(1) Instruct and train qualified personnel as to the policies and procedures for administering the program.

(2) Supply landowners, hunting clubs, and cooperating agencies with pertinent brochures, handouts, and other information containing management techniques and applications.

(3) Properly prepare and suggest wildlife management recommendations.

(4) Develop and maintain a close working relationship with other state and federal agencies or non-governmental organizations that have similar or corresponding programs directly or indirectly affecting public and private land development and management.

(5) Provide incentives to encourage landowners and hunting clubs to participate in the program.

D. The program shall be voluntary, and landowners or hunting clubs who participate in the Quality Deer Management Assistance Program are eligible to participate in this program. Qualification for participation in this program shall be determined by rules and regulations promulgated by the commission, in accordance with the Administrative Procedure Act.

Acts 2010, No. 337, §1.

§111. Removal or destruction of signs

No person shall willfully or maliciously remove, destroy or deface any sign or notice placed or posted pursuant to R.S. 56:109.

Amended by Acts 1974, No. 717, §1.

§112. Disposal of birds or quadrupeds becoming a nuisance

If any species of wild bird or wild quadruped herein protected shall at any time in any locality become so destructive of private property as to be a nuisance, the secretary may direct any officer authorized to enforce the provisions of this Subpart, or any reputable citizen of this state, to take and dispose of such species of bird or quadruped in the manner and under the conditions specified by the secretary.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§113. Taking wild birds or game imported for experimentation or propagation

No person shall take any wild bird or wild quadruped imported into this state by the state or federal government or by any person for the purpose of experimentation or propagation except under the supervision and consent of the secretary.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§114. Open season; curtailment by parish governing authority

A. The governing authority of any parish may apply to the secretary for the right to adopt an ordinance to close or curtail the open season in the parish, or any part thereof, when it becomes apparent that there is need of a closing or curtailment so that the game bird and game quadruped life may restock themselves by natural breeding.

B. Upon receipt of the application, if conditions indicate the need of adding protection for any game bird or game quadruped or all of them, the secretary may give written consent to the governing authority of the parish to adopt, in its discretion, an ordinance to close or curtail the open season for not more than one year, applicable to everyone, including the residents of the parish.

C. The closing or curtailment becomes effective only after notice of the adoption of the ordinance has been promulgated by the governing authority of the parish in the official parish journal once a week for four consecutive weeks prior to the regular annual open seasons for hunting. Annual special parish closed seasons on game birds and game quadrupeds commence on the legal date of the open season in each year.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§115. Wild birds and wild quadrupeds; adoption of seasons, bag and possession limits; rules and regulations; penalties

A. The commission is hereby specifically authorized, directed, and empowered to fix, approve, and adopt seasons and bag and possession limits and to establish other rules and regulations for the hunting, taking, possession, or protection of any species or sex of wild quadrupeds and wild birds, in any specified locality or localities of the state. Such rules and regulations shall have the full force and effect of law to the same extent as statutory laws.

B. The commission may at any time declare any season closed or otherwise restrict hunting as it deems advisable in the interest of wildlife management.

C. The open season for taking migratory game birds and the bag limit and other rules and regulations affecting migratory game birds shall conform to federal regulations promulgated under the treaty between the United States and Great Britain for a period of years in the case of certain species. No person shall take, even at the time and in the manner specified and fixed by said department, or in the aggregate during the open season, a greater number of migratory game birds than specified under federal and state regulations.

D. Violation of any of the provisions of a rule or regulation adopted by the commission adopted pursuant to the provisions of this Section constitutes a class two violation, except where a higher class of violation is specified for a violation by some other provision of this Chapter.

Amended by Acts 1950, No. 317, §1; Acts 1952, No. 343, §1; Acts 1954, No. 355, §1; Acts 1990, No. 194, §2, eff. July 2, 1990; Acts 1954, No. 584, §1; Acts 1958, No. 454, §1; Acts 1974, No. 717, §1; Acts 1977, No. 207, §1; Acts 1981, No. 736, §1; Acts 1981, No. 837, §3; Acts 1985, No. 417, §1; Acts 1985, No. 562, §1; Acts 1990, No. 194, §§1 and 2, eff. July 2, 1990; Acts 1992, No. 966, §1.

§116. Wild birds and wild quadrupeds; special hunting seasons

A. *Repealed by Acts 1995, No. 1226, §2, eff. June 29, 1995.*

B. The commission may establish special deer hunting seasons in one or more periods, separate from the regular open season established by the commission pursuant to R.S. 56:115, wherein deer may be hunted and taken with bow and arrow and crossbow. The commission may establish the following special deer hunting seasons: (1) a bow and arrow only season, and (2) a bow and arrow and crossbow season. The length of such special seasons and the area for hunting shall be determined by the commission.

C.(1) The commission may establish a special deer season for primitive firearms. The taking of deer in such season shall be limited to persons who are licensed in accordance with the provisions of R.S. 56:103(C)(2). The commission shall adopt and promulgate rules and regulations governing such season, including the type and size of weapons used, licenses required, sex of deer to be hunted, and the areas included in the season. The taking of deer during this season shall be limited to still hunting and may be allowed in all or some areas of the state where deer hunting is now or shall in the future be allowed.

(2) Notwithstanding any other provision of law to the contrary, during primitive firearms season any licensee may use a magnified scope on any weapon authorized for use during the primitive firearms season.

D. The commission shall establish a special open deer hunting season for youth under eighteen years of age. The taking of deer in such a season shall be limited to a weekend prior to the opening weekend of the regular gun season in all of the applicable zones. Both resident and nonresident youths may participate in this special season. Any youth participating in the special youth hunting season shall be accompanied by one adult eighteen years of age or older, but only the youth may participate in the actual hunting. If the accompanying adult is in possession of a valid hunting license, or a hunter safety certificate, or proof of successful completion of a hunter safety course approved by the department, a youth under sixteen years of age shall not be required to have any of these items. However, if the accompanying adult is not in possession of any of these items, the youth shall be required to have in his possession either a hunter safety certificate or proof of successful completion of a hunter safety course approved by the department. A youth who is sixteen or seventeen shall have in his possession a basic hunting license and a big game licence as required by law. The accompanying adult shall maintain visual and voice contact with the youth at all times.

Acts 1992, No. 434, §1; Acts 1992, No. 579, §1; Acts 1992, No. 966, §1; Acts 1995, No. 1226, §§1, 2, eff. June 29, 1995; Acts 1999, No. 69, §1; Acts 1999, No. 255, §1; Acts 1999, No. 391, §1; Acts 2001, No. 27, §1; Acts 2004, No. 100, §1; Acts 2006, No. 775, §2; Acts 2008, No. 22, §1; Acts 2008, No. 51, §1, eff. June 5, 2008.

§116.1. Wild birds and wild quadrupeds; times and methods of taking; penalties

A. Resident game birds, outlaw birds, game quadrupeds, and outlaw quadrupeds may be taken only in accordance with all of the following:

- (1) In the open season.
- (2) With or without the aid of dogs, except on wildlife management areas and refuges owned or leased by the department and in those areas of the state wherein the aid of dogs is specifically prohibited by rules and regulations adopted by the commission.
- (3) By a licensee.
- (4) In accordance with the bag and possession limits set by the commission.
- (5) From one-half hour before official sunrise to one-half hour after official sunset.
- (6) With a bow and arrow, crossbow, or rifle, or a handgun, or falconry or a shotgun not larger than a No. 10 gauge fired from the shoulder without a rest, except as otherwise provided in this Chapter.
- (7) In accordance with rules and regulations adopted and promulgated by the commission.
- (8) Use of a laser sight or sighting device which projects a beam of light to the target only by a person holding a physically challenged hunter permit, as authorized in R.S. 56:104.1, who has the impairment of visual functioning even after treatment and/or standard refractive correction, and has a visual acuity of equal to or less than 20/200 to light perception, or a visual field of less than ten degree from the point of fixation, as certified by a Louisiana licensed optometrist or ophthalmologist. Such hunter shall be accompanied by another licensed hunter and only the person holding the physically challenged hunter permit may discharge the firearm.

B. No person shall do any of the following:

- (1) Hunt or take game birds or wild quadrupeds from a moving land vehicle or aircraft.
- (2) Hunt, shoot, or take, or attempt to hunt, shoot, or take, game birds or wild quadrupeds across a highway or road right of way, defined as from one side of a highway or road right of way to the other.
- (3) Take or kill any game bird or wild quadruped with a firearm fitted with any device to deaden or silence the sound of the discharge thereof; or fitted with an infrared sight, laser sight or except as provided in Paragraph (A)(8) of this Section any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night; or with or by means of an automatic loading or hand operated repeating shotgun capable of holding more than three shells. Any shotgun capable of holding more than three shells shall be plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one loading.
- (4) Except as provided in Paragraph (A)(8) of this Section, take or kill any game bird or wild quadruped with a bow or crossbow or other archery equipment, which is equipped with an infrared or laser sight or any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target.
- (5) Take or kill on any calendar day during the open season, or in the aggregate during the open season, a greater number of migratory or resident game birds, protected birds, wild quadrupeds, or protected quadrupeds than that set and specified in the rules and regulations of the commission.
- (6) Possess at any time any wild game bird or wild game quadruped or part thereof; or disturb or destroy any nest, or egg, or young of any such wild quadruped or wild bird, except as otherwise expressly provided in this Chapter.

(7) Possess at any time any wild game bird or wild game quadruped in a manner contrary to any of the provisions of R.S. 56:104 or R.S. 56:171 through 181 or any of the rules and regulations adopted pursuant thereto.

(8) Have in his personal possession in the field between the place taken and the domicile of the possessor more than the possession limit of game birds or wild quadrupeds, unless the game birds or wild quadrupeds are tagged with a tag indicating the species, the date and place taken, license number, and signature of the person who took the game birds or wild quadrupeds, indicating compliance with R.S. 56:115, 117, or 119 or any other provisions of this Chapter governing possession of game birds or wild quadrupeds, and any rules and regulations promulgated pursuant thereto.

(9) Take or kill any wild quadruped behind a rail or other object driven or pulled by a vehicle or other device, which practice is commonly known as mashing weeds.

(10) Hunt with firearms of any type or with bows and arrows after one-half hour after official sunset and before one-half hour before official sunrise; nor shall any person hunt with the aid of any artificial light at any time. This prohibition shall not affect night hunting of raccoons or opossums pursuant to Subsection C of this Section or of outlaw quadrupeds, nutria, or beaver pursuant to Subsection D of this Section. This prohibition shall not apply to the ingress or egress by a hunter during nondaylight hours with the aid of a handheld light.

(11) Hunt or take squirrels or rabbits at any time with a breach loaded rifle larger than a standard .22 caliber rimfire, or a muzzle loaded rifle larger than .36 caliber. Nothing herein shall preclude the use of a shotgun or pistol.

(12) Intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered, raw sweet potatoes to wild game quadrupeds.

C.(1) No person shall take or hunt furbearing animals at night with artificial light. It shall be lawful, however, for one or more licensed hunters with one or more dogs to hunt raccoons or opossums at night with lights, and to carry on such hunts for the purpose of taking raccoons or opossums not more than one standard .22 caliber rimfire firearm and to use single ball rimfire ammunition.

(2)(a) Farmers and landowners may hunt raccoons or opossums as provided by law with a .22 caliber rimfire rifle when the animals are found destroying crops of corn, sweet potatoes, watermelons, pecans, and other crops, with no bag limit any time of the year.

(b) Squirrels found destroying crops of pecans may be taken year-round by permit, which shall be valid thirty days from date of issuance. The permittee who is authorized to take squirrel may use a shotgun no larger than a 12 gauge and no smaller than a .410 gauge. The permittee shall delineate and the permit shall indicate the specific area in which this permit shall be valid. This permit shall be issued only by the department during normal working hours and may be obtained in person at the Baton Rouge office, at a district headquarters office, or at any other location designated by the department. There is no fee charged for the issuance of this permit.

(c) Notwithstanding the provisions of Paragraph (6) of this Subsection, any opossums, racoons, nutria, or beaver that are found destroying crawfish in a private pond primarily used for the purpose of commercially cultivating crawfish or destroying the structure of such pond may be taken as provided by law with a .22 caliber rimfire rifle by the crawfish farmer or landowner from a boat or vehicle with no bag limit any time of the year during daytime or nighttime hours.

(3) There shall be no bag limit on raccoon or opossum hunting during the open trapping season; however, the commission shall establish a bag limit for such hunting during that period of the year when the trapping season is closed. No one shall pelt or sell the skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapper's license,

which shall be required in addition to his basic hunting license. However, carcasses of raccoons and opossums taken on the last day of trapping season may be pelted or sold on the day immediately following the close of the season.

(4) It shall be legal for a licensed hunter to take raccoon or opossum during daylight hours during the open rabbit season.

(5) No person shall take or hunt raccoons or opossums from a boat or vehicle.

(6) The Wildlife and Fisheries Commission may adopt and promulgate rules and regulations that provide for the recreational taking of nutria. Such rules and regulations shall provide for the open season, methods of taking, hours for taking, and the bag and possession limits. Such rules and regulations shall in no way authorize the taking of nutria on privately owned land without the express permission of the landowner and shall prohibit the sale of nutria skins or carcasses except by the holder of a valid trapping license or by a licensed fur buyer or fur dealer.

D.(1) Outlaw quadrupeds, nutria, or beaver may be taken at any time of year from one-half hour before official sunrise to one-half hour after official sunset, without limit as to number, except by trapping during the closed season for nongame quadrupeds, except that trapping shall be used only under special permit issued by the department.

(2) On private property, the landowner, or his lessee or agent with written permission and the landowner's contact information in his possession, may take outlaw quadrupeds, nutria, or beaver during nighttime hours from one-half hour after official sunset on the last day of February to one-half hour after official sunset the last day of August of that same year. The method of such taking shall be limited to a shotgun not larger than a No. 10 gauge fired with buckshot or smaller or a standard .22 caliber rimfire firearm and may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices.

E. Bowhunters may carry on their person, while hunting with a bow, a pistol no larger than a .22 caliber with snake shot or rat shot ammunition for the purposes of killing snakes and rats.

F. Each taking of a migratory or resident game bird, protected bird, game quadruped, or protected quadruped in excess of the limit as set and specified in the rules and regulations of the Louisiana Wildlife and Fisheries Commission, and each taking of such a migratory or resident game bird, protected bird, game quadruped, or protected quadruped in the closed season, constitutes a separate offense under the provisions of this Subpart.

G. Except where expressly stated to the contrary, the provisions of this Section shall apply to the taking or possession of deer, bear, and turkey. Where a specific prohibition and penalty relating to the taking or possession of deer, bear, or turkey has been provided in R.S. 56:116.3 or 116.4, the provisions of R.S. 56:116.3 or 116.4, as applicable, shall govern.

H. Violation of any of the provisions of this Section shall constitute a class three violation.

Acts 1992, No. 94, §1; Acts 1992, No. 857, §1; Acts 1992, No. 966, §1; Acts 1993, No. 82, §1; Acts 1995, No. 156, §1; Acts 1995, No. 453, §1; Acts 1996, 1st Ex. Sess., No. 84, §2; Acts 1999, No. 165, §1; Acts 1999, No. 469, §1; Acts 2001, No. 226, §1; Acts 2009, No. 55, §1; Acts 2009, No. 208, §1; Acts 2009, No. 322, §1; Acts 2010, No. 29, §1; Acts 2010, No. 254, §1, eff. June 17, 2010.

§116.2. Wild birds and wild quadrupeds; sales, purchases of parts prohibited; exceptions

A.(1) No person shall sell, or offer to sell, or purchase, any game quadruped, or any part or portion thereof, wild bird, or the plumage, aigrettes, skin, or body thereof, except as provided in R.S. 56:171 through 181 and except as provided in Subsection B of this Section. Each sale or offer to sell or purchase, of each game quadruped or wild bird, or any part or portion thereof, constitutes a separate offense under the provisions of this Subsection.

(2) Violation of the provisions of Paragraph (1) of this Subsection, except for the sale of squirrels or wild rabbits or their parts, constitutes a class 5-A violation. If a violation of Paragraph (1) involves the sale or purchase of squirrels or wild rabbits, or parts or portions thereof, the penalty imposed shall be a class three violation.

B. The provisions of Subsection A of this Section shall not prevent the sale of tails or hides, or both, of legally taken squirrels or the sale of hides of legally taken deer to licensed fur buyers and licensed fur dealers, provided that the sale of any such tails or hides is made within ten days of the close of the squirrel or deer hunting season, as applicable. Fur buyers shall dispose of any such tails or hides within thirty days of the close of the squirrel or deer hunting season, as applicable. Any fur dealer having such tails or hides in his possession after the close of the squirrel or deer hunting season, as applicable, shall file with the department within thirty days of the close of said season, and at sixty-day intervals thereafter, a complete report, under oath, on forms procured from the department. The report shall contain the name and address of all persons from whom the tails or hides were purchased and the place and date of purchase. Violation of the provisions of this Subsection constitutes a class three violation.

Acts 1992, No. 966, §1.

§116.3. Special provisions applicable to deer and bear; times and methods of taking; penalties

A.(1) No person shall do any of the following:

(a) Hunt or shoot a deer or bear at any time with a firearm smaller than a .22 caliber centerfire, or a shotgun using a shell loaded with shot less than buckshot or rifled slug, or a bow with less than thirty pounds of pull, or other than arrows with broadhead points.

(b) Hunt or shoot deer while on a highway or road right of way, or stand, loiter, hunt, or shoot game quadrupeds or game birds while on a highway or road right of way that is maintained by the federal government, the state government, the state, or any parish, with a gun during open season.

(c) Take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however, the restrictions in this Paragraph shall not apply to any person who has lost one or more limbs.

(d) Take or possess spotted fawn or parts thereof, except in accordance with the provisions of R.S. 56:105(A) and 171(A).

(2) Violation of any of the provisions of this Subsection, except Paragraph (1)(d), constitutes a class two violation. Violation of the provisions of Paragraph (1)(d) constitutes a class 5-A violation.

B. A licensee having a disability which totally and permanently prevents his using a long bow or other conventional archery equipment, as first certified by a medical doctor duly licensed to practice medicine in this state, and having an approved permit from the department, shall be permitted to take legal deer with a crossbow or a bow that is drawn, held, and released by mechanical means, and the taking of deer with a crossbow or a bow that is drawn, held, and released by mechanical means shall be permitted in the season in which deer may be taken by rifle, or a handgun, or a shotgun not larger than a No. 10 gauge, as well as in the special deer hunting season provided in R.S. 56:116. Magnified scopes may be used with crossbows.

C.(1) No person shall possess any of the following:

(a) Illegally taken deer or bear.

(b) Freshly killed deer or bear in the closed season.

(2) Violation of any of the provisions of this Subsection constitutes a class four violation.

D. No person shall hunt or take illegal deer or bear in the open season. Violation of this Subsection constitutes a class 5-A violation.

E. No person shall hunt or take deer or bear in the closed season. Violation of this Subsection constitutes a class six violation.

F. No person shall hunt or take deer from one-half hour after official sunset to one-half hour before official sunrise. Violation of this Subsection constitutes a class six violation and, in addition, the violator may lose all hunting privileges for a period of not more than five years.

G. Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with the owner's name, address, and phone number. In addition, a leashed dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

Acts 1992, No. 966, §1; Acts 1993, No. 239, §1; Acts 1999, No. 255, §1; Acts 2001, No. 1210, §1; Acts 2006, No. 775, §1.

§116.4. Special provisions applicable to turkey; times and methods of taking; penalties

A.(1) Wild turkey may be taken only with a bow and arrow, crossbow, or a shotgun not larger than a No. 10 gauge fired from the shoulder without a rest, and by no other means whatsoever.

(2) No person shall hunt or take turkey by the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds.

(3) No person shall hunt, trap, or take turkey by the aid of baiting, or on or over any baited area. As used in this Subsection, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction, or enticement to, on, or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for fifteen days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents shall be authorized to close such baited area and to place a sign or signs in the immediate vicinity designating the closed zone and dates of closure. However, nothing in this Paragraph shall prohibit:

(a) The taking of turkey, on or over standing crops, grain crops properly shucked on the field where grown, or grains found scattered solely as the result of normal agriculture planting or harvesting; and

(b) The taking of turkey, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes; however, manipulation for wildlife management purposes shall not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.

(c) The taking of turkey when the person is more than two hundred yards from a baited area.

(4) Violation of the provisions of this Subsection constitutes a class three violation.

B.(1) No person shall possess any of the following:

(a) An illegally taken turkey.

(b) A freshly-killed turkey in the closed season.

(2) Violation of any of the provisions of this Subsection constitutes a class four violation.

C.(1) No person shall hunt or take any of the following:

(a) Turkeys from one-half hour after official sunset to one-half hour before official sunrise.

(b) Illegal turkeys in the open season.

(2) Violation of any of the provisions of this Subsection constitutes a class 5-A violation.

D. No person shall hunt or take turkeys in the closed season. Violation of this Subsection constitutes a class six violation.

Acts 1992, No. 966, §1; Acts 2006, No. 109, §1; Acts 2009, No. 55, §1.

§116.5. Computer-assisted remote hunting prohibited; penalties

A. It shall be unlawful for any person to engage in computer-assisted remote hunting or provide or operate a facility or provide services that allow others to engage in computer-assisted remote hunting. No person shall take, possess, or assist in the taking of any animal by means of computer-assisted remote hunting, regardless of the location of the animal.

B. For purposes of this Section "computer-assisted remote hunting" means the use of a computer or other device, equipment, or software to remotely control the aiming and discharging of a firearm or weapon that allows a person not physically present at the location of that firearm or other weapon to hunt or shoot an animal.

C. Any person who violates any provision of this Section is guilty of a class six violation.

Acts 2006, No. 745, §1.

§117. Possession limits; game birds; transportation of game birds; tags

A. A licensee may have in his personal possession anywhere during the open season the kinds of migratory and resident game birds permitted by law or commission regulation to be taken. However, no one person shall have in his possession at any one time or anywhere more than the number of such game birds which he may be lawfully entitled to take in two days. Such fact is prima facie evidence of violation of this Chapter. No licensee shall transport, cause to be transported, attempt to transport, or tender or deliver for transportation to another person or any agent thereof, nor shall any of them accept for transportation or transport any game birds beyond the limits of the state without a special permit issued by the secretary. However, a nonresident licensee may take with him beyond the limits of the state, tagged as provided for in this Section, an aggregate of no more of any kind of such game birds than the licensee may lawfully take in two days. No common carrier or agent thereof shall receive for transportation or transport any migratory or resident game birds unless the same or the package, container, or receptacle, open or closed, containing the game birds, has thereon or attached thereto a tag or tags having the actual signature and license number of the licensee who took the same, the number and species of the birds, the date and place taken, the name of the consignor and of the consignee, and the initial points of shipment and ultimate destination.

B. No person shall attach to any such game bird, or to any package, container, or receptacle containing it, a tag which to his knowledge is false in the statement of any particulars in this section required to be set forth thereon, nor have in his possession any such game birds or any such package to which is attached any tag which to his knowledge is false in any of the particulars aforesaid. No person shall tender or deliver to another person for transportation within or beyond the borders of

this state any migratory or resident game birds to which, or to the package, container, or receptacle which contains the same, there is attached a tag as aforesaid, which to the knowledge of that person is false in any of the particulars in this section required to be stated thereon.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§118. Migratory game bird violations

A. The hunting of migratory birds has long been a source of recreation and tourism in the state of Louisiana. The provisions of this Section are enacted in order to enhance the efforts of the Department of Wildlife and Fisheries to promote the wildlife laws of the state, to aid in the apprehension and prosecution of violators of the state's wildlife laws, to promote public interest and involvement in the prevention of violations of the wildlife laws, and to increase the efficiency of efforts to protect and preserve one of the state's most valuable assets. This Section is also enacted to create an effective and expedient system to handle violations, prosecutions, and adjudications of violations of the Migratory Bird Treaty Act of 1972, as amended.

B. Notwithstanding any other provision of law to the contrary, any violation of the Migratory Bird Treaty Act of 1972, as amended, shall be a violation of the provisions of this Section and shall be enforced as such.

C. Except for failure to sign a federal duck stamp and failure to possess a valid federal duck stamp, any violation of the provisions of this Section shall constitute a class four violation and shall be enforced according to the provisions of R.S. 56:34. The penalty for failure to possess a federal duck stamp or for failure to sign a federal duck stamp shall constitute a class two violation and shall be enforced according to the provisions of R.S. 56:32.

D. Of the revenues received through the collection of fines imposed for violations of this Section, after deposit in the Bond Security and Redemption Fund, an amount equal to fifty percent shall be credited to the conservation fund to be used solely for costs associated with the salaries and related benefits of the Department of Wildlife and Fisheries enforcement agents and the purchase of equipment needed by such agents. The remaining fifty percent of the revenues received through the collection of fines imposed for violations of this Section shall be deposited in the criminal court fund of the parish in which the violation occurred.

Acts 1999, No. 154, §1.

§119. Possession of game birds after close of open season

Except as provided in R.S. 56:171 through R.S. 56:181 and except as to live wild birds kept under permit issued by the secretary, no person shall possess in any year any migratory or resident game bird permitted hereby to be taken or possessed in the open season or have in his possession at any time any other kind of wild bird protected hereby. The legal possession limits of resident game birds and game quadrupeds may be possessed during the closed season, if they have been legally taken during open season.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§120. Storage of game birds or quadrupeds; tags

A. No person operating a warehouse or cold storage plant shall receive or keep in storage, with or without compensation, for any person other than a licensee, any migratory or resident game bird or game quadruped, except as permitted by R.S. 56:171 through 56:181 and then only if tagged as provided in R.S. 56:117 and only if also there is written or stamped on such tag the true date the item was received in storage.

B. A report, upon forms furnished by the department, shall be made ten days after the close of each season of wild game birds and wild game quadrupeds in storage, giving the name and address of persons storing same, the quantity stored, and date of storage. These records shall be open at all times for inspection by representatives of the department.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§121. Traps, cages, etc., for taking wild birds; confiscation; exception for destructive blackbirds

A. Except as otherwise provided in this Section or under special license granted in pursuance of R.S. 56:104, no person shall at any time use or set a trap, cage, snare, net, or device for the purpose of taking wild birds. Wildlife agents and other officers empowered to enforce the provisions of this Subpart may confiscate and destroy all traps, nets, snares, and other devices which they may find set or being used for the purpose of taking wild birds, and may liberate any wild birds found possessed contrary to the provisions of this Subpart.

B. Blackbirds which become destructive of crops on private property may be trapped and destroyed by the property owner or by another person with the permission of the property owner.

C. Violation of this Section constitutes a class three violation.

Acts 1988, No. 806, §1; Acts 1992, No. 528, §1, eff. June 29, 1992.

§121.1. Traps; wild quadrupeds

A. No person shall at any time use a hook or set a trap with teeth, for the purpose of taking wild quadrupeds, except that alligators may be taken with the aid of hook and line.

B. Violation of this Section constitutes a class two violation.

Added by Acts 1979, No. 186, §1. Amended by Acts 1981, No. 838, §1; Acts 1992, No. 528, §1, eff. June 29, 1992.

§122. Carrier pigeons, killing or catching when banded prohibited; penalty

No person, other than the owner or his authorized representative, shall kill, wound, catch, or hold in possession, living or dead, a racing (homing, or carrier) pigeon, which has on its legs a seamless metal band bearing a name, letter, or number.

Whoever violates this Section shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both.

§§123, 124. *Repealed by Acts 1992, No. 966, §2.*

§124.1. Dogs; regulation of; police juries

The police juries of the respective parishes may adopt ordinances to regulate, restrict or prohibit the running at large of dogs in the woods. This authority may be exercised by the police jury whenever, in the opinion of the police jury, such regulation, restriction or prohibition is necessary for the protection of wildlife.

Added by Acts 1955, No. 135, §2.

§125. Possession of game quadrupeds; tags; deer carcasses

A. A licensee may have in his personal possession anywhere during the open season the number of game quadrupeds permitted by this Subpart to be taken or possessed by him; but should he have

in his personal possession at any time or anywhere more than the possession limit of such game quadrupeds, that fact is prima facie evidence of the violation of the provisions of this Subpart unless each such game quadruped in excess of the possession limit is tagged showing the species of game quadruped, the actual signature and license number of the licensee who took the same, and the date and place taken.

B. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the state of Louisiana, or on all turkey taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has thus become identifiable as food rather than as wild game. Deer and turkey may be divided in camp or field but, in the event of such division, each portion shall be identified by the name, address, and license number of the person killing it and the sex of the animal; however, it is not necessary to affix the license number as required above to portions cut from the carcass immediately prior to being consumed in camp.

Amended by Acts 1974, No. 717, §1; Acts 1977, No. 197, §1; Acts 1981, No. 838, §1.

§126. *Repealed by Acts 1952, No. 127, §21.*

§127. Confiscation of illegal traps or snares and quadrupeds taken thereby

Every officer authorized to enforce the provisions of this Sub-part shall immediately confiscate and hold for evidence any trap, snare, explosive, gun, or other material evidence found by him placed or set contrary to the provisions of this Sub-part, and confiscate and hold for evidence all quadrupeds, the pelts, skins, and parts thereof found by him to have been taken or possessed contrary to the provisions of this Sub-part, and hold the same subject to disposition by general or special order of the director.

Amended by Acts 1974, No. 717, §1.

§128. Falconry

Rules, regulations, and issuance of permits affecting the sport of falconry within the state shall be as designated and administered by the department and shall at least conform to the minimum federal falconry standards as prescribed by the United States Department of the Interior, Fish and Wildlife Service. A current basic hunting license or permit shall be required to practice the sport of falconry. No falconry permit shall be issued to any applicant under sixteen years of age.

Acts 1992, No. 966, §1.

§§129 to 135. *Repealed by Acts 1958, No. 133, §2.*

§136. Jurisdiction where offense committed in river between two parishes or in Gulf of Mexico

If any offense is alleged to have been committed in a river dividing two parishes, any court in either parish has territorial jurisdiction if otherwise competent as herein provided; if committed in any lake, bay, inlet, or other body of water bound by more than one parish, any court in any parish bordering on such waters has territorial jurisdiction if otherwise competent as herein provided.

If any offense is alleged to have been committed in the Gulf of Mexico within the waters of the state, any court in any parish bordering on the Gulf has territorial jurisdiction if otherwise competent as provided herein.

§§137, 138. *Repealed by Acts 1958, No. 133, §2.*

§139. Criminal penalty

A. Whoever violates any of the provisions of this Subpart, where no fine or imprisonment has been otherwise specifically provided, shall be guilty of a class one violation. For the third offense, the license under which said violation occurred shall be revoked and shall not be reinstated at any time during the period for which it has been issued and for one year thereafter. The jail sentences herein provided shall be mandatory except for the first and second offenses, which shall be at the discretion of the court, and no sentence or fine shall be suspended for any cause or reason whatever, nor shall any diminution of any sentence be granted or allowed for good behavior or otherwise.

B. Upon conviction for any offense for which a penalty is provided by Subsection (A) hereof or by any other provision of this Subpart, and in addition to such penalty, the court may suspend or revoke the offender's hunting and/or fishing license and any or all privileges to hunt or to fish in this state that may be granted under any law or color of law whenever, in the judgment of the court, the circumstances warrant suspension or revocation, and in such case the suspension or revocation shall be for a period not to exceed the period for which the license was issued plus one year thereafter.

Amended by Acts 1958, No. 133, §1; Acts 1970, No. 339, §1; Acts 1993, No. 188, §1.

§140. Foxes; bobcats

A. It shall be unlawful to trap or kill foxes by use of any firearm or other weapon, device, or poison at any time, except that foxes may be included in the open season for taking nongame quadrupeds provided by R.S. 56:260. In such event foxes may be taken by any legal means unless otherwise restricted by law or regulation.

B. It shall not be unlawful for any person to allow his dogs to run or chase foxes or bobcats at any time of the year, except on wildlife management areas and wildlife refuges and except from one-half hour before sunrise to one-half hour after sunset in any area of the state where a still hunting season for deer is in progress as established by rules and regulations of the commission, provided no such person shall take, trap, or kill any fox or bobcat by the use of firearm, or any other weapon, trap, or mechanical device in connection therewith.

C. Violation of this Section constitutes a class two violation.

Amended by Acts 1977, No. 344, §2; Acts 1978, No. 446, §2; Acts 1981, No. 736, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 2003, No. 1248, §1.

§141. Training of dogs during closed season; taking of certain pen-raised birds for the purposes of field trials and hunting dog training

A. It shall be legal for hunters, dog trainers, or dog handlers to train their dogs, any breed or species, during the closed season. During such training sessions, said trainer or handler may carry handguns and may discharge only blank ammunition, but cannot take or kill game quadrupeds or game birds of any type or kind, except raccoons. This Section shall not apply in any manner to raccoon hunters who may pursue their sport at any time, nor to persons taking pen-raised quail or pen-raised mallards under the provisions of Subsections B and C hereof.

B. The Louisiana Department of Wildlife and Fisheries is hereby empowered to authorize by permit the taking of pen-raised quail or pen-raised mallards during other than the open season for hunting for the purpose of field trials, upon application of any recognized field trial association. In order to obtain a permit to take pen-raised quail or pen-raised mallards as authorized by the provisions of this Subsection, applicants therefor must be recognized field trial associations.

Applicants shall apply to the Louisiana Department of Wildlife and Fisheries for the permit and the department may then issue the permit subject to rules and regulations as it may deem necessary to protect the wildlife of the state.

C. The Louisiana Department of Wildlife and Fisheries is hereby empowered to authorize by permit the taking of pen-raised quail or pen-raised mallards during other than the open season for hunting for the purpose of training hunting dogs. Applicants shall apply to the Louisiana Department of Wildlife and Fisheries for the permit and the department may then issue the permit subject to rules and regulations as it may deem necessary to protect the wildlife of the state.

Added by Acts 1958, No. 453, §1. Amended by Acts 1974, No. 307, §1; Acts 1977, No. 344, §3; Acts 1981, No. 736, §1; Acts 1981, No. 838, §1; Acts 1988, No. 615, §1.

§142. Catahoula lake area; operation of mud boats for purpose of hunting or fishing prohibited

A. The operation in the area of Catahoula Lake north and west of the Little River line of power-driven air boats for the purpose of fishing or hunting, and particularly for the hunting of wild geese and ducks, and for the purpose of constructing duck blinds on the Catahoula Lake is hereby prohibited.

B. Violation of the provisions of this Section constitutes a class two violation.

C. The Wildlife and Fisheries Commission or its agents shall enforce the provisions of this Section.

Added by Acts 1960, No. 292, §§1 to 3. Amended by Acts 1981, No. 837, §3; Acts 1993, No. 242, §1.

§143. "Hunter orange" display by hunters with guns

A. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a muzzleloader, or a centerfire rifle shall display on his head, chest, or back a total of not less than four hundred square inches of material of a daylight fluorescent orange color known as "hunter orange". Persons hunting on privately owned, legally posted land may wear a cap or a hat that is completely covered with hunter orange material in lieu of the foregoing requirement to display four hundred square inches of hunter orange. These provisions shall not apply to persons hunting deer from elevated stands on property which is privately owned and legally posted, or to archery deer hunters hunting on legally posted land where firearm hunting is not permitted by agreement of the owner or lessee.

B. Violation of this Section constitutes a class one violation.

Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1992, No. 741, §1, eff. Oct. 1, 1993; Acts 1993, No. 64, §1; Acts 2008, No. 36, §1.

§144. *Repealed by Acts 1993, No. 188, §2.*

SUBPART A-1. LOUISIANA DUCK LICENSE, STAMP, AND PRINT PROGRAM

§151. Purpose

The hunting of migratory waterfowl has long been a source of recreation and tourism in Louisiana. In order to protect and preserve this most valuable asset, the Louisiana Duck License, Stamp, and Print Program is created as a means of funding approved projects through sale of a

migratory waterfowl license, hereinafter known as the "duck license", and sale of duck stamps and prints.

Acts 1988, No. 632, §1, eff. Sept. 1, 1989; Acts 1990, No. 392, §1; Acts 2001, No. 270, §1.

§152. *Repealed by Acts 2010, No. 100, §2.*

§153. Design, marketing, and sale of duck stamps and prints

The department shall provide by regulation for the annual creation of duck stamps and duck stamp prints, the manner of selection of an artist and the manner of reproduction, distribution, marketing and sale of such stamps and prints. Purchase of such stamps and prints shall not authorize the purchaser to hunt, take, possess, or transport ducks in the state of Louisiana. The secretary is hereby authorized to sell such stamps and prints by the method he deems to be most beneficial to the department, including public or private auction or direct sale to an individual, group, or organization. The cost for a resident duck stamp shall be five dollars and fifty cents and the cost for a nonresident duck stamp shall be twenty-five dollars. The department shall retain exclusive ownership and production rights to the design for reproduction of duck stamps and prints to sell to hunters, collectors, and other interested persons. Upon completion of this process, the original artwork shall be returned to the artist.

Acts 1988, No. 632, §1, eff. Sept. 1, 1989; Acts 1988, 2nd Ex. Sess., No. 12, §1, eff. Oct. 27, 1988; Acts 1992, No. 858, §1; Acts 2001, No. 270, §1; Acts 2010, No. 100, §1.

§154. *Repealed by Acts 2010, No. 100, §2.*

§155. Louisiana Duck License, Stamp, and Print Fund; purposes

A. Funds received by the Department of Wildlife and Fisheries pursuant to the sale of duck licenses, stamps, and prints shall be placed in the Louisiana Duck License, Stamp, and Print Fund as provided by R.S. 56:10(B).

B. Subject to appropriation, the monies in the Louisiana Duck License, Stamp, and Print Fund shall be used:

(1) To acquire lands in Louisiana which have the primary and direct purpose of conserving, restoring, and enhancing migratory waterfowl habitat.

(2) To carry out migratory waterfowl habitat restoration and enhancement projects on lands under the jurisdiction of the Louisiana Department of Wildlife and Fisheries.

(3) To fulfill the purposes of Paragraphs (1) and (2) of this Subsection, when feasible and when in coastal areas, in a manner which will contribute to the protection of the coastal areas of the state from deterioration and which will enhance the productivity of the coastal marshes.

(4) To acquire lands for wildlife and game management.

C. Subject to appropriation, the monies in the Louisiana Duck License, Stamp, and Print Fund may be used:

(1) To make grants, not to exceed ten percent of the program revenues, to the North American Waterfowl Habitat Conservation Plan for the purpose of acquiring, developing, or maintaining migratory waterfowl areas within Louisiana.

(2) To cover the administrative costs associated with the implementation of the Louisiana Duck License, Stamp, and Print Program, not to exceed five percent of the program revenues.

Acts 1988, No. 632, §1, eff. Sept. 1, 1989; Acts 2001, No. 270, §1.

§156. Reciprocal agreements

The department may negotiate a reciprocal agreement with any state that shares a common boundary with Louisiana if the neighboring state has a similar duck license requirement and fee. The agreement may permit a resident of the state with which the agreement is made to hunt migratory waterfowl in this state without a Louisiana duck license if the person possesses a waterfowl stamp issued by the other state.

Acts 1988, No. 632, §1, eff. Sept. 1, 1989; Acts 2001, No. 270, §1.

§157. Penalties

Whoever violates the provisions of this Subpart shall be subject to a class one violation.

Acts 1988, No. 632, §1, eff. Sept. 1, 1989; Acts 2001, No. 270, §1.

SUBPART A-2. LOUISIANA WILD TURKEY STAMP PROGRAM

§§161 - 163. *Repealed by Acts 2010, No. 100, §2.*

SUBPART A-2. LOUISIANA WILD TURKEY FUND**§164. Louisiana Wild Turkey Fund; purposes**

A. Funds received by the Department of Wildlife and Fisheries pursuant to the sale of wild turkey licenses shall be placed in the Louisiana Wild Turkey Fund as provided by R.S. 56:10(B).

B. Subject to appropriation, the monies in the Louisiana Wild Turkey Fund shall be used:

(1) To acquire lands in Louisiana which have the primary and direct purpose of conserving, restoring, and enhancing wild turkey habitat.

(2) To carry out wild turkey habitat restoration and enhancement projects on lands under the jurisdiction of the Louisiana Department of Wildlife and Fisheries.

(3) To acquire lands that are suitable for wild turkeys and wild turkey management.

Acts 1995, No. 225, §1; Acts 2010, No. 100, §1.

§165. Reciprocal agreements

The department may negotiate a reciprocal agreement with any state that shares a common boundary with Louisiana if the neighboring state has a similar wild turkey stamp or license requirement and fee. The agreement may permit a resident of the state with which the agreement is made to hunt wild turkey in this state without a Louisiana wild turkey license if the person possesses a wild turkey stamp or license issued by the other state.

Acts 1995, No. 225, §1; Acts 2010, No. 100, §1.

§166. Penalties

Violation of the provisions of this Subpart shall constitute a class one violation.

Acts 1995, No. 225, §1.

SUBPART B. BREEDING AND PROPAGATION OF WILD BIRDS AND WILD QUADRUPEDS

§171. Wildlife; business of raising and selling; breeder's license

A. Whoever desires to engage in raising, selling, or raising and selling domestic white-tailed deer or other domesticated deer native to North America; squirrels, rabbits, or other wild game quadrupeds; pheasants, quail, doves, or other domesticated wild game birds; domesticated wild waterfowl, resident or migratory; or their parts, on breeding farms or propagating preserves of which he is the owner or lessee, shall apply to the secretary for a license to do so. Provided that commission requirements have been satisfied, including payment of a fee of twenty-five dollars, a license shall be issued permitting the applicant to breed and propagate such animals and sell them alive, or in the case of domesticated wild game birds, to sell their parts and to kill and transport them and sell their carcasses for food, as hereinafter provided in this Subpart.

B. The state license expires at midnight on the last day of each December.

C. In the case of a breeder of wild migratory game and other birds, the applicant shall have received a like license from the federal government under the Migratory Bird Treaty Act.

D. Violation of any of the provisions of this Section constitutes a class two violation.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 838, §1; Acts 1986, No. 520, §1; Acts 1991, No. 110, §2; Acts 1992, No. 41, §2; Acts 1992, No. 528, §1, eff. June 29, 1992.

§172. Killing of birds or animals; sale; trapping regulations; exporting live specimens

A. Any licensee may kill or sell such animals or birds provided for in this Subpart at any time, except that domesticated species of wild game birds or wild waterfowl, killed by shooting, shall not be bought, sold or traded under the provisions of this Subpart.

B. Wild nongame quadrupeds raised on such licensed breeding farms or preserves may be taken for their pelts only in the open seasons, as prescribed by law. Special parish closed seasons do not apply to such licensed breeders or propagators. The tax, as fixed by law, shall be paid before the raw pelts are shipped out of the state and a written affidavit as to the number and kinds shipped out of the state shall be furnished the secretary monthly during the open season on such quadrupeds.

C. Any licensed breeder, after receiving a shipping permit furnished by the department on application, may ship live specimens outside the state for breeding, scientific, or educational purposes.

D. Any licensed breeder may possess or sell such animals or birds for food as hereinafter set forth in this Subpart.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§173. Transportation of birds or animals killed; tags; sale of carcass

A. No such animal or bird provided for in this Subpart killed as aforesaid and intended for sale shall be shipped, transported, sold, or offered for sale unless each quarter and each loin of each carcass of the animal and the carcass of each bird, or each consignment of feathers, is tagged with an indestructible tag or seal, to be furnished by the department at cost. The quarters, loins, and carcasses, when tagged as aforesaid, may be possessed, sold, or offered for sale at any time.

B. No person shall sell any portion of or sell the carcass of such animal or bird which shall not at all times have affixed thereto the tag or seal. However, the keeper of a hotel, restaurant, boardinghouse or club, or a retail dealer in meat, may sell portions of a quarter or loin of any such

domesticated pheasant, quail, duck, goose or other domesticated wild game bird or domesticated wild waterfowl, tagged or sealed as aforesaid, to a patron or a customer for actual consumption, without a license being required.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§174. Shipment of carcasses or parts thereof; tag or label

Any common carrier may receive and transport carcasses of such animals or birds, or parts thereof. However, to every package containing such carcasses or parts thereof shall be affixed a tag or label, upon which shall be plainly printed or written the name and license number of the person to whom the breeder's license was issued who is thus transporting; the number of carcasses or portions thereof contained therein; and a statement that the animals or birds were killed and tagged in accordance with the provisions of this Sub-part.

§175. License for sale of birds killed and tagged

A. No person shall sell or offer for sale any birds killed and tagged as herein provided without first obtaining a license to do so from the secretary, and then only if the breeder's tags or seals remain affixed as aforesaid until the portions or carcasses of the birds have been wholly consumed.

B. No person shall sell any portion of such birds provided for in this Subpart which does not at the time have affixed thereto the tag or seal. However, the keeper of a hotel, restaurant, boardinghouse, or club, or a retail dealer in meat, may sell portions of the carcasses of such birds so tagged or sealed to a patron or customer for actual consumption without a license being required.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1; Acts 1991, No. 110, §2.

§176. Report of birds or animals killed and sold

On or before April 15 in each year every licensee shall make a report to the secretary covering the period from October 1 to March 31. The report shall state the total number of each such animal or bird provided for in this Subpart, or the parts thereof, killed, sold, or transported, under the provisions of this Subpart. A second report shall be made on or before October 15 of each year covering the period from April 1 to September 30. The reports shall set forth the name of the person to whom the animals or birds were sold or transported and shall be verified by the affidavit of the licensed breeder, or if the license was issued to a corporation, by an officer thereof.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§177. Fencing farms or preserves

Any farm or preserve used for breeding of deer pursuant to this Subpart shall be surrounded by a fence of a height of not less than seven feet of wire or other material of a pattern to be approved by the secretary.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1; Acts 1992, No. 41, §2.

§178. Ownership of birds and animals on fenced breeding area; trespass

Whoever under the authority of this Sub-part has in his lawful possession on such posted or fenced breeding area any such animal or bird or parts thereof shall have a property right therein and shall be the owner thereof. Whoever enters the game farm or preserve or catches, takes, or molests such animals or birds when the area has been posted or fenced according to law shall be punished as though the animals or birds were ordinary domestic animals and birds subject to the common property rights of the state.

§179. *Repealed by Acts 1974, No. 717, §4.*

§180. Revocation of license

The secretary may revoke the license of any person violating any provision of this Subpart, and thereafter no similar license shall be issued to that person.

Amended by Acts 1974, No. 717, §1; acts 1981, No. 736, §1.

§181. Penalty for violation of Sub-part

Whoever violates any provision of this Sub-part for which a punishment has not otherwise been provided shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not more than thirty days, or both.

SUBPART C. LOUISIANA ACRES FOR WILDLIFE

§191. Title

The cooperative environmental action program to save wildlife cover and provide abundant game for future generations mandated by this Subpart shall be known as "Louisiana Acres for Wildlife."

Added by Acts 1979, No. 481, §1.

§192. Purpose

The purpose of Louisiana Acres for Wildlife is to supplement the commission's efforts of protection, conservation, and fostering of wild birds and game within the state of Louisiana in wildlife management areas, refuges and recreation areas under its jurisdiction by stimulating the application of sound wildlife management practices by providing recommendations to private landowners or lessees producing and maintaining suitable food, water, and cover conditions favorable to the support, replenishment, and propagation of the wildlife of the state.

Added by Acts 1979, No. 481, §1.

§193. Wildlife biologists; duties; qualification

A. To ensure the effective protection and propagation of wild birds and game of the state, the secretary shall employ such personnel as are necessary and are funded by the legislature to carry out the provisions of this program.

B. Biologists appointed pursuant to Subsection A shall be permanent status commissioned employees of the commission, shall administer Louisiana Acres for Wildlife by supplying environmental assistance to qualified landowners or lessees on an annual basis to improve the habitat for wildlife in the state. This assistance may include, but is not limited, to providing seed packages and plant bundles for planting and educational instruction and wildlife habitat evaluation surveys to qualified landowners or lessees. This program shall include dissemination of instructional material in an endeavor to guarantee that certain land throughout the state shall be utilized for wildlife habitats.

C. The Louisiana Acres for Wildlife program shall use its resources to:

(1) Instruct and train qualified personnel as to the policies and procedures for administering the program.

(2) Supply personnel, farmers, landowners, lessees, and cooperating agencies with pertinent brochures, handouts, and other information containing management techniques and applications.

(3) Properly suggest and prepare wildlife management recommendations.

(4) Develop and maintain a close working relationship with other state and federal agencies that have similar or corresponding programs directly or indirectly affecting private land development and management.

D. To be eligible to participate in this program, a plot of land shall be at least one acre in size and be utilized as either farmland, wetland, woodland, or pasture. This program is entirely voluntary, and landowners and other participants who choose to participate in this program shall agree that plots shall be maintained and management practices on such lands shall be continued for at least one year. Land within parks and outdoor recreation areas, and public wildlife management areas, refuges, and other publicly owned lands where wildlife management has already been implemented are ineligible to participate in this program. Qualification for participation in this program shall be determined by rules and regulations promulgated by the commission not inconsistent with law.

Added by Acts 1979, No. 481, §1. Amended by Acts 1981, No. 736, §1.

PART V. TRAPPING FUR-BEARING ANIMALS OR ALLIGATORS

SUBPART A. GENERAL PROVISIONS

§251. Licenses; possession limit for nonresident alligator hunter; deposit as guarantee of payment of severance tax; penalties

A. The following license fees shall be levied on each fur trapper, alligator hunter, fur buyer, and fur dealer:

(1) Every resident fur trapper, fifteen years of age or older, before commencing the business of trapping furbearing animals, shall secure annually from the department a trapper's license, which shall be furnished upon the payment of twenty-five dollars. Every resident fur trapper under the age of fifteen years, before commencing the business of trapping furbearing animals, shall secure annually from the department a trapper's license, which shall be furnished upon the payment of five dollars. Every nonresident fur trapper, before commencing the business of trapping furbearing animals, shall secure annually from the department a nonresident trapper's license, which shall be furnished upon the payment of two hundred dollars. Every resident and nonresident fur trapper must at all times have this license in possession while trapping or selling pelts or animals. The secretary of the department is hereby authorized to enter into reciprocal agreements with any state with respect to nonresident license fees for the trapping of furbearing animals.

(2)(a)(i) Every resident alligator hunter shall before commencing business procure annually from the department a resident alligator hunting license, which shall be furnished upon payment of twenty-five dollars, and the filing of an application approved by the department. Every nonresident alligator hunter shall before commencing business procure annually from the department a nonresident alligator hunter license, which shall be furnished upon the payment of one hundred fifty dollars, and the filing of an application approved by the department. Every resident and nonresident alligator hunter must at all times have this license in possession while hunting.

(ii) Upon payment of a fee of an additional twenty-five dollars, the department shall issue to a duly licensed resident alligator hunter a license authorizing that hunter to have one resident assistant accompany him while hunting alligators. Such assistant shall not be required to have an alligator

hunter's license or any class thereof provided that the assistant is working under the immediate supervision and in the presence of the licensed alligator hunter. This assistant license shall be valid only for the same period for which the license of the alligator hunter is valid. The assistant shall be allowed to assist in the taking of alligators and shall not be allowed to possess an alligator tag or a tagged alligator outside the presence of the licensed alligator hunter, and the licensed alligator hunter shall not be authorized to transfer an alligator tag to such assistant. The hunter shall keep, on an official form provided by the department, the name, address, and social security number of each unlicensed assistant who assists him and shall make such information available to the department within fifteen days of the close of the alligator season.

(iii) All regulations and licensing procedures pertaining to the taking, possessing, and shipping of all alligators, raw alligator skins, and alligator parts shall be established by the department.

(b) *Repealed by Acts 1999, No. 73, §1.*

(3) Every resident fur buyer shall, before commencing business, procure annually from the department a resident fur buyer's license, which shall be furnished upon the payment of twenty-five dollars and the filing of an application approved by the department.

(4) Every nonresident fur buyer shall before commencing business procure annually from the department a nonresident fur buyer's license, which shall be furnished upon the payment of one hundred dollars, and the filing of an application approved by the department. Every resident and nonresident fur buyer must at all times have this license in possession while operating his business.

(5) Every resident fur dealer shall, before commencing business, procure annually from the department a resident fur dealer's license, which shall be furnished upon the payment of one hundred fifty dollars and a deposit of five hundred dollars, to guarantee payment of the severance tax on raw furs and skins, and the filing of an application approved by the department.

(6) Every nonresident fur dealer shall before commencing business procure annually from the department a nonresident fur dealer's license, which shall be furnished upon the payment of three hundred dollars, and a deposit of one thousand dollars to guarantee payment of the severance tax on raw furs and skins, and the filing of an application approved by the department. Every resident and nonresident dealer must at all times have this license in possession or prominently displayed while operating his business.

B. Violation of this Section constitutes a class three violation.

Acts 1970, No. 550, §1. Amended by Acts 1974, No. 599, §1; Acts 1977, No. 558, §2; Acts 1979, No. 305, §1; Acts 1980, No. 590, §1; Acts 1981, No. 736, §1; Acts 1981, No. 837, §3; Acts 1981, No. 838, §1; Acts 1986, No. 455, §1, eff. July 2, 1986; Acts 1992, No. 499, §1, eff. June 22, 1992; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1995, No. 213, §1; Acts 1998, 1st Ex. Sess., No. 164, §2, eff. Sept. 21, 1998; Acts 1999, No. 73, §1.

NOTE: *See Acts 1998, 1st Ex. Sess., No. 164, §4, Re: Effectiveness and effective date of Act. Letter dated Sept. 21, 1998, was sent to Dept. Of Wildlife & Fisheries from commissioner of administration stating that funds were appropriated from the La. Technology Innovation Fund to implement the program.*

§252. Residence of alligator hunters, fur buyers and dealers

A. Only such persons who are bona fide residents, as defined in R.S. 56:8, may apply for a resident alligator hunters license.

B. Only such persons who are bona fide residents, as defined in R.S. 56:8, may apply for resident fur buyer or dealer licenses.

C. Violation of this Section constitutes a class two violation.

Acts 1970, No. 550, §1. Amended by Acts 1977, No. 558, §3; Acts 1982, No. 730, §2; Acts 1990, No. 194, §1, eff. July 2, 1990.

§253. Shipping raw furs, alligators, alligator skins, and alligator parts out of state; tags

A. No resident or nonresident fur buyer shall ship furs, alligators, or alligator skins out of state.

B. No resident fur dealer, trapper, alligator hunter, alligator parts dealer, alligator farmer, or nonresident fur dealer or nonresident alligator hunter shall ship or take raw furs, alligators, alligator skins, or alligator parts out of state without first complying with the provisions of this Section and rules and regulations of the commission.

C.(1) Every resident fur dealer, trapper, alligator hunter, alligator farmer, nonresident fur dealer, or nonresident alligator hunter before shipping raw furs, alligators, or alligator skins out of the state shall secure from the department, or duly authorized representative thereof, a tag to be attached to the shipment. The tag shall be of a distinctive color, bear a serial number and entry headings for information as to the character of the shipment and as to the consignor and consignee, be filled out at the time of shipment, and be provided with a detachable stub bearing the same serial number and entry headings as appear on the body of the tag. The stub shall be filled out with duplicate information appearing on the body of the tag and returned to the department at the time of shipment, with the proper amount of severance tax due.

(2)(a) Every resident fur dealer, alligator hunter, alligator farmer, taxidermist, nonresident fur dealer, or nonresident alligator hunter, before shipping alligators or raw alligator skins out of state, or before tanning or using for taxidermy of raw alligator skins within the state, shall pay to the department an alligator shipping label fee for each alligator so shipped and shall pay an alligator hide tag fee for each raw alligator skin to be so shipped, used for taxidermy, or tanned. The alligator shipping label fee and the alligator hide tag fee shall be collected by the department from the fur dealer, taxidermist, alligator hunter, alligator farmer, nonresident fur dealer, or nonresident alligator hunter who is shipping alligators or raw alligator skins, or who intends to tan, or use for taxidermy, the raw alligator skins. The department shall collect such fees at the time of shipment, using for taxidermy, or tanning, and no alligator shipping label or out-of-state shipping tag shall be issued by the department for a shipment before payment of the appropriate fee is received by the department. The alligator shipping label fee for each alligator to be shipped and the alligator hide tag fee for each raw alligator skin to be shipped, used for taxidermy, or tanned shall be no more than four dollars per alligator or raw alligator skin; however, the alligator shipping label fee and the alligator hide tag fee shall each be reduced in any fiscal year by rule or regulation of the commission in an equal amount equivalent to any amount of additional revenues received into the Louisiana Alligator Resource Fund from the state general fund or sources other than alligator-related fees established pursuant to this Title. Revenues received by the state pursuant to this Paragraph shall be distributed as provided in R.S. 56:266 and 279.

(b) Alligator hide tags shall be issued to licensed alligator hunters and licensed alligator farmers without charge and in accordance with the rules and regulations of the commission.

(3) *Repealed by Acts 1992, No. 499, §2, Eff. June 22, 1992, and Acts 1992, No. 528, §2, Eff. June 29, 1992.*

D. Every resident alligator hunter, alligator farmer, or alligator parts dealer before shipping alligator parts out of state shall, in addition to satisfying regulations of the U.S. Department of Interior and the Louisiana Department of Health and Hospitals, affix to the shipment a label showing the following: (1) LDWF license number of the alligator parts dealer, alligator hunter or alligator farmer; (2) identify alligator parts as meat, head, feet, teeth or other; (3) provide name and address of shipper.

E. No fur, alligator, alligator skins, alligator eggs, or alligator parts intended for shipment out of state shall be accepted by any post office, express company, agent, or agent of any common carrier nor any agent thereof, unless there is attached to the shipment to each consignee one of the tags specified in Subsection C above or the labels specified in Subsection D above.

F. Violation of any of the provisions of this Section constitutes a class three violation.

Acts 1970, No. 550, §1. Amended by Acts 1981, No. 736, §1; Acts 1981, No. 837, §3; Acts 1981, No. 838, §1; Acts 1991, No. 1041, §1, eff. July 26, 1991; Acts 1992, No. 499, §§1, 2, eff. June 22, 1992; Acts 1992, No. 528, §§1, 2, eff. June 29, 1992; Acts 1993, No. 294, §1, eff. Sept. 1, 1993.

§254. *Repealed by Acts 1992, No. 499, §2, eff. June 22, 1992.*

§255. Alligator records; inspections

A. Every resident or nonresident buyer and every resident or nonresident dealer shall keep within the state a complete record on forms procured from or approved by the department of all purchases and sales made by him of whole alligators and alligator hides and skins, showing the number and kinds that were bought and sold, from whom purchased and to whom sold, the dates of purchases and sales, and when each purchase was made, giving all information to the department that it may require. All records, books, and memoranda of each resident alligator hunter, resident and nonresident buyer, and resident or nonresident dealer, shall be open at all times to the inspection of the duly authorized officer of the department who may inspect the skins on hand at any time and check and verify the books, records, and reports.

B. Every buyer or dealer having raw, green, undressed alligator hides in his possession shall file with the department within sixty days after the date of purchase, prior to shipping out of state, or prior to tanning, whichever comes first, a complete report, on forms procured from or approved by the department wherein is set forth in detail the number of raw, green, undressed alligator hides, with a detailed description thereof, then owned or held in possession as owner or agent by the person filing the report forms. The report shall contain the names and addresses of the persons from whom the hides were purchased and the place and date of purchase.

C. Violation of this Section constitutes a class three violation.

Acts 1970, No. 550, §1. Amended by Acts 1980, No. 591, §1; Acts 1981, No. 736, §1; Acts 1981, No. 837, §3; Acts 1981, No. 838, §1; Acts 1982, No. 730, §2; Acts 1990, No. 194, §1, eff. July 2, 1990; Acts 1992, No. 499, §1, eff. June 22, 1992.

§256. Severance tax

There is levied a severance tax on all skins or hides taken from any furbearing animals or alligators, within the state, payable to the state through the department by the fur trapper, alligator hunter, or alligator farmer shipping or taking his own catch out of state, or by the dealer, shipping skins or hides out of state or tanning fur pelts or alligator skins in the state, as follows: on beaver, bobcat, coyote, fox, muskrat, opossum, raccoon, ringtailed cat, skunk, or spotted skunk, one cent on each skin; mink, ten cents on each skin; nutria (Coypu), two cents on each skin; otter, twenty-five

cents on each skin; alligator, twenty-five cents on each skin. Violation of this Section is a class two violation.

Acts 1970, No. 550, §1. Amended by Acts 1977, No. 344, §4; Acts 1981, No. 736, §1; Acts 1981, No. 837, §3; Acts 1981, No. 838, §1; Acts 1982, No. 730, §2; Acts 1992, No. 499, §1, eff. June 22, 1992.

§257. Payment of tax by trappers, alligator hunters, and alligator farmers shipping or taking own catch out of state; shipping tags

A. Every trapper shipping or taking his own catch of furs out of state is liable for the severance tax thereon, and shall apply to the department for official shipping tags, and remit the tax promptly at the time of shipment.

B. Every alligator hunter or alligator farmer shipping or taking his own catch of alligator skins out of state is liable for the severance tax thereon, and shall apply to the department for official shipping tags and forms, and remit the tax promptly at the time of shipment.

C. Violation of this Section constitutes a class two violation.

Acts 1970, No. 550, §1. Amended by Acts 1981, No. 736, §1; Acts 1981, No. 837, §3; Acts 1981, No. 838, §1; Acts 1992, No. 499, §1, eff. June 22, 1992.

§258. Dealer records; payment of tax; confiscation of furs and skins

A. Every dealer shall maintain complete detailed records of the kind and number of furs purchased inside and outside of the state and of all such furs shipped out of the state or tanned within the state. Dealer records shall be completed and made available to the department for audit purposes within sixty days after the close of the trapping season. Dealers shall remit to the department or pay to the authorized representative thereof within ten days following an annual audit of the dealer's records the full amount of the tax due.

B. Every dealer shall maintain complete detailed records of the number of whole alligators and alligator skins purchased inside and outside the state and all alligator skins shipped out of state or alligator skins tanned within the state. Dealer records shall be completed and furnished to the department at the time of shipment or prior to tanning and dealer must concurrently remit the full amount of tax due.

C. Failure to pay the tax, as provided, subjects all pelts of Louisiana furbearing animals and alligator skins held by dealers to confiscation by order, general or special, of the department. Failure to maintain complete records and to pay the tax subjects any dealer to the full penalties provided and the immediate revocation of his license by the department. No license shall be issued to a dealer who has not paid the tax for the preceding year.

D. Violation of this Section constitutes a class three violation.

Acts 1970, No. 550, §1. Amended by Acts 1975, No. 255, §1; Acts 1980, No. 594, §1; Acts 1981, No. 837, §3; Acts 1982, No. 730, §2; Acts 1992, No. 499, §1, eff. June 22, 1992; Acts 1992, No. 528, §1, eff. June 29, 1992.

§259. Open season; method of taking animals; prohibited devices; possession and sale of skins

A. The open season for taking nongame quadrupeds, in any area of one or more parishes shall be fixed by the commission. The commission may extend, curtail or prohibit the trapping in any area of the state each year.

B. The commission shall at its discretion open or close the season for the taking or possession of alligators by area within the state. The commission shall also prescribe methods of taking alligators and hours within which alligators may be taken.

C.(1) Nongame furbearing quadrupeds may be taken in the open trapping season, but only by properly licensed trappers, and only by means of a trap. Except as provided in Paragraph (2) of this Subsection, the use of dogs or of guns or other firearms, bows and arrows, gigs, spears, pitchforks, or other weapons or any like devices in hunting and taking nongame quadrupeds, or the use of explosives, chemicals, and smokes of any kind to drive furbearing quadrupeds out of their holes, dens, or houses is prohibited. Raccoons, nutria, and opossums may be taken for sport as provided for in R.S. 56:116.1, and nutria in open season may be taken additionally by the use of a standard .22 caliber rifle only between the hours of sunrise and sunset. Beaver may be taken as provided for in R.S. 56:105. This Subsection does not apply to the methods or means by which alligators may be taken.

(2) Notwithstanding the provisions of any other law to the contrary, dogs may be used during the taking of nutria between the hours of sunrise and sunset, except during deer season where still hunting only is allowed and during turkey nesting season as determined by the commission.

D. The taking of alligators is prohibited between the hours of sunset and sunrise. The taking of alligators out of season is prohibited.

E. Nothing contained in this Subpart shall deprive landowners and lessees of agricultural or forest lands or their agents, representatives, and employees, of their right to kill nutria and beaver as a pest without a license on agricultural or forest lands owned or leased by them or in residential areas, or in waterways and on the banks of waterways adjacent to the agricultural lands, except during open trapping season, a license shall be required. Nutria and beaver may be taken at any time and by any means in these areas except that nutria and beaver cannot be taken by use of a headlight and gun between the hours of sunset and sunrise.

F. No pelting during the closed trapping season shall be permitted at any time, except with department authorization. The sale of carcasses of nongame quadrupeds is prohibited during the closed trapping season, except with department authorization. The provisions of this Subsection do not apply to nongame quadrupeds raised on farms.

G. Licensed trappers may hold in captivity live nongame quadrupeds, except alligators, during the open trapping season. Such animals must have been acquired by legal trapping methods. Such animals held in captivity by a trapper must be released or pelted by the last day of the open trapping season. However, a licensed trapper may apply for a nongame quadruped breeder's or exhibitor's license, as provided for in R.S. 56:262.1, and continue holding such animals in captivity as long as the license has not expired. A licensed trapper, holding any live nongame quadrupeds except alligators, may offer for sale such live animals to any licensed nongame quadruped breeder or exhibitor during the open trapping season. During any such transaction, a bill of sale must be provided by the trapper to the nongame breeder or exhibitor and retained for a period of one year.

H. Violation of any of the provisions of this Section except for Subsections C, D, and F constitutes a class two violation. Violation of any of the provisions of Subsections C, D, or F constitutes a class four violation.

Acts 1970, No. 550, §1; Amended by Acts 1980, No. 596, §1; Acts 1981, No. 838, §1; Acts 1982, No. 730, §2; Acts 1988, No. 88, §1; Acts 1992, No. 499, §1, eff. June 22, 1992; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1995, No. 154, §1; Acts 1997, No. 304, §1; Acts 1999, No. 71, §1; Acts 1999, No. 160, §1; Acts 2001, No. 226, §1.

§260. Setting a trap, snare, net, or other device

A. No person shall set any trap, capable of taking any nongame quadruped more than one day before the open trapping or alligator season, or permit such device to remain set after the closing day of the open season. All traps shall be run daily and all traps must be removed from the trapping grounds and alligator hunting areas the last day of open season.

B. Violation of this Section constitutes a class four violation.

Acts 1970, No. 550, §1. Amended by Acts 1977, No. 183, §2; Acts 1981, No. 837, §3; Acts 1982, No. 730, §2; Acts 1992, No. 528, §1, eff. June 29, 1992.

§261. Possession; alligator eggs, live alligators, skins

A. No person shall take or possess the eggs of alligators, or alligators, or their skins in any parish of this state except as provided for by rules and regulations of the commission. Alligators or their skins shall be tagged as provided for by rules and regulations of the commission. The possession or sale of untagged wild harvested alligators or their skins is prohibited. Upon approval by the commission, a special permit shall be issued to take, possess, or sell the eggs of alligators or live alligators.

B. Violation of this Section constitutes a class four violation.

Amended by Acts 1950, No. 450, §1; Acts 1970, No. 550, §1; Acts 1981, No. 837, §3; Acts 1990, No. 194, §1, eff. July 2, 1990; Acts 1991, No. 578, §1; Acts 1992, No. 499, §1, eff. June 22, 1992.

§262. Nongame quadrupeds; breeding, propagation, and exhibition

A. Whoever desires to engage in the business of raising and/or exhibiting imported or native nongame quadrupeds shall apply to the department for a license to do so. If it appears that the application is made in good faith, upon a payment of ten dollars, a nongame quadruped exhibitor license may be issued permitting the applicant to breed and/or exhibit such animals provided he meets rules and regulations of the department.

B. Whoever desires to engage in the business of raising, exhibiting, and selling imported or native nongame quadrupeds or collecting and selling wild alligator eggs shall apply to the department for a license to do so. If it appears that the application is made in good faith, upon payment of twenty-five dollars, a nongame quadruped breeder license may be issued permitting the applicant to breed, propagate, exhibit, and sell such animals alive or sell their parts; and to kill and transport them and sell their pelts, skins, or carcasses as hereinafter provided in this Section.

C. Nongame quadruped breeder and exhibitor licenses shall expire on the thirty-first of December of each year. On or before the first of December of each year, every licensee shall apply for a renewal of his exhibitor or breeder license. In conjunction with this application, or without application if not renewing the license, the licensee shall provide a report including all information as specified by the department.

D. Nongame quadrupeds raised on such licensed breeding farms may be sold alive or taken for their pelts, skins, or for food according to rules and regulations of the commission. All skins shall be tagged according to rules and regulations of the commission. The severance tax as fixed by law shall be paid before the raw pelts or alligator skins are shipped out of state, or tanned within the state, and a written affidavit as to the number and kinds shipped or tanned shall be furnished to the department as specified.

E. All nongame quadruped carcasses or parts intended for sale shall be shipped, transported, sold, or offered for sale according to commission regulations.

F. The department may issue a permit to a duly licensed breeder to take such wild animals as needed for use as breeding stock. The licensed breeder shall apply in writing, stating where the animals are to be taken, at what time, and in what numbers.

G. Whoever under the authority of this Section has in his lawful possession any such animal or parts thereof on such posted or fenced breeding area shall have a property right therein and shall be the owner thereof. Whoever enters the nongame quadruped farm or catches, takes, or molests such animals when the area has been posted or fenced according to law shall be punished as though the animals were ordinary domestic animals and subject to the property rights of the state of Louisiana.

H. The department may revoke the license of any person violating the provisions of this Section.

I. All other rules and regulations pertaining to the breeding, propagation, and sale of nongame quadrupeds shall be determined solely by the commission.

J. Violation of this Section constitutes a class three violation.

Added by Acts 1974, No. 121, §1. Amended by Acts 1981, No. 736, §1; Acts 1981, No. 837, §3; Acts 1981, No. 838, §1; Acts 1982, No. 730, §2; Acts 1990, No. 194, §1, eff. July 2, 1990; Acts 1991, No. 273, §1; Acts 1992, No. 499, §1, eff. June 22, 1992.

§263. Alligator parts, buying and selling; license; reports; tagging

A.(1) Each alligator parts dealer shall secure an alligator parts dealer license from the department before commencing business. The license shall be secured annually and shall be furnished upon the payment of fifty dollars.

(2) Each retailer purchasing for retail sale finished alligator parts made from parts other than hides shall secure a license from the department before commencing business. The license shall be secured annually and shall be furnished upon the payment of five dollars.

B.(1) Any licensed alligator hunter or farmer may sell alligator carcasses or parts, provided he completes an official alligator parts transaction form, furnished or approved by the department, for every alligator part transaction and provides each purchaser with a bill of sale. These forms shall be submitted to the department by the alligator hunter at the end of the calendar year and by the alligator farmer with his annual report which is due by December first of each year.

(2) Any alligator parts dealer purchasing alligator parts shall complete an official alligator parts purchase form for each purchase. Any alligator parts dealer selling alligator parts shall complete an official alligator parts sale form for each sale and provide each purchaser with a bill of sale. These parts transaction forms shall be furnished by the department and shall be submitted to the department annually, no later than June thirtieth.

(3) Any alligator parts retailer purchasing finished alligator parts shall maintain a bill of sale for each purchase for a period of six months after such purchase. These records shall be available for inspection by the department.

(4) The records of transactions involving alligator parts of alligator hunters, farmers, and parts dealers, shall be available for inspection by the department. Each parts dealer shall maintain complete records for a period of one year following any transaction.

C. All other rules and regulations pertaining to commerce in alligator parts shall be determined solely by the department.

D. Violation of this Section constitutes a class two violation.

Added by Acts 1977, No. 557, §2. Amended by Acts 1981, No. 837, §3; Acts 1984, No. 277, §1; Acts 1992, No. 499, §1, eff. June 22, 1992.

§264. Scientific research

The commission shall conduct scientific researches into the life habits of the nongame quadrupeds through technically trained officers and employees and, when practicable, give full publicity to such biological findings.

Acts 1970, No. 550, §1; Acts 1990, No. 194, §1, eff. July 2, 1990.

§265. Trespass on marshlands to trap or hunt fur bearing animals

No person shall go upon marsh or low prairie lands, or swamplands belonging to another, without the consent of the owner or of one authorized to grant consent; and there capture, catch, trap, take, shoot, or ensnare any alligator, mink, muskrat, nutria, otter or raccoon; nor attempt to commit, or be upon such lands for the purpose of committing, any such act; nor aid, assist, or abet another to commit or to attempt to commit any such act; nor conspire with another for any of such purposes. Violation of this Section is a class two violation.

Amended by Acts 1974, No. 141, §1; Acts 1981, No. 837, §3; Acts 1990, No. 194, §1, eff. July 2, 1990.

§266. Louisiana Fur Public Education and Marketing Fund

A. Recognizing that the Louisiana fur industry is a vital aspect of Louisiana's coastal economic base and that in recent years worldwide fur markets and prices have been severely depressed creating extreme hardships not only for trappers, but also for coastal landowners, fur buyers, and fur dealers; and recognizing world trends questioning the consumptive utilization of wildlife species, and recognizing that these trends and economic conditions can have a severe impact on the fur industry; and recognizing the need to educate the public concerning fur trapping as sound wildlife management practice; and recognizing that the trapping of certain species of furbearers such as nutria and muskrat is the only realistic means for coastal landowners to effectively manage and protect over four million acres of invaluable coastal wetlands and protect adjacent agriculture; and recognizing that there is no cohesive, coordinated, and comprehensive effort to educate the public concerning the Louisiana fur industry or stabilize and strengthen domestic and international markets for Louisiana furs, the Legislature of Louisiana does hereby establish the Louisiana Fur Public Education and Marketing Fund.

B. Specific goals. (1) To educate the public regarding the need for trapping as a sound wildlife management tool and regarding the logic of managing furbearing species as renewable resources.

(2) To identify the current consumers of Louisiana furs.

(3) To identify present and potential Louisiana fur marketing problems, obstacles, and related significant issues.

(4) To strengthen existing markets and develop new markets and marketing strategies for raw and finished Louisiana fur products.

(5) To develop and implement an international advertising campaign to promote the utilization of raw and finished Louisiana fur products.

(6) To examine, evaluate, and make recommendations concerning any aspect of the fur industry including habitat management, harvest, and marketing which will enhance the future of the industry and perpetuate the conservation of these species.

C. The Louisiana Fur Advisory Council. (1) Pursuant to R.S. 36:605(B)(2), the secretary shall create the Louisiana Fur Advisory Council, which shall be within the Department of Wildlife and Fisheries. The Louisiana Fur Advisory Council shall be responsible for reviewing and approving recommended procedures and programs to be funded from the Louisiana Fur Public Education and

Marketing Fund to ensure that any monies from the funds are expended for the specific goals of the council.

(2) This council shall be composed of nine members of which seven shall be appointed by the secretary.

(a) The individuals appointed by the secretary to this council shall represent a cross section of trappers and coastal landowners as follows:

- (i) One member of the council shall represent trappers from north Louisiana.
- (ii) One member shall represent trappers from southwest Louisiana.
- (iii) One member shall represent trappers from southeast Louisiana.
- (iv) One member shall represent trappers statewide.
- (v) Three members shall represent coastal landowners.

(b) One member of the council shall be designated by the speaker of the House of Representatives and another member shall be designated by the president of the Senate.

(3) The secretary may appoint members recommended by the Louisiana Trappers and Alligator Hunters Association, which may submit nominations, in writing, to the secretary.

(4) The secretary or his designee shall be an ex officio member of said council and shall be present at all official meetings.

(5) All members of the council shall serve four-year terms.

D. Appropriations. (1) All revenues received by the state from license fees imposed on trappers as required in R.S. 56:251(A)(1) shall be credited to the Bond Security and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the state treasurer is authorized and directed to transfer annually the amount of twenty dollars for each twenty-five dollar resident trapping license sold and one hundred forty-five dollars for each one hundred fifty dollar nonresident license sold, from revenues derived from the sale of said licenses, into a special fund designated as the Louisiana Fur Public Education and Marketing Fund.

(2) The state treasurer shall invest the monies in this fund in the same manner as monies in the state general fund. Any surplus monies remaining to the credit of the fund, after all appropriations of the preceding fiscal year have been made, shall remain to the credit of the fund. The state treasurer shall prepare and submit to the department on a quarterly basis a printed report showing the amount of money contained in the fund from all sources.

(3) Any amounts earned through investment of the monies in the fund shall remain to the credit of the fund and shall not revert to the state general fund.

E. Expenditures. (1) The monies made available by the legislature from the fund as provided in this Section or from any other source shall be used solely for the programs, purposes, and specific goals enumerated in this Section.

(2) The Department of Wildlife and Fisheries shall maintain records of the sources of money received and the purposes therefor, as well as the person or persons to whom money is paid and the purpose therefor. Vouchers or receipts shall be kept for all money paid out. Money appropriated or otherwise made available to the department for authorized purposes shall be withdrawn from the treasury on warrant of the secretary of the department.

(3) The Department of Wildlife and Fisheries, in utilizing surplus monies from the Louisiana Fur Public Education and Marketing Fund shall contract only upon recommendation of the Louisiana Fur Advisory Council, for any services relating to the specific goals enumerated in this Section. The secretary is hereby authorized and empowered to carry out any and all contracts entered into in order to achieve these goals.

F. Annual Reports. The Department of Wildlife and Fisheries shall make a written operating report to the legislature at the end of each fiscal year. This report shall contain a summary of revenues received, expenditures made, and the status of achievement of specific goals. This report shall be submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources by the end of the calendar year.

Acts 1986, No. 455, §1, eff. July 2, 1986; Acts 1991, No. 1041, §1, eff. July 26, 1991; Acts 2005, No. 219, §1; Acts 2008, No. 272, §2; Acts 2008, No. 580, §7.

§§267-273. *Repealed by Acts 1958, No. 135, §2.*

§274. *[Blank]*

§§275, 276. *Repealed by Acts 1958, No. 135, §2.*

§277. *[Blank]*

§278. Louisiana Alligator Advisory Council

A. The Louisiana Alligator Advisory Council is hereby created in the Department of Wildlife and Fisheries. The Louisiana Alligator Advisory Council shall be responsible for reviewing and approving recommended marketing, research, and educational programs to be funded from the Louisiana Alligator Resource Fund to ensure that any monies from the funds are expended for the specific goals of the council.

B. This council shall be composed of members appointed by the secretary as follows:

(1) Three members of the council shall be licensed alligator hunters appointed from a list of five nominations from the Louisiana Trappers and Alligator Hunters Association. The nominees shall have held licenses for the preceding three hunting seasons. One member shall be appointed to represent the area of the state north of United States Highway 90, one member shall be appointed to represent the area of the state south of United States Highway 90 and east of the Atchafalaya River, and one nominee shall be appointed to represent the area of the state south of United States Highway 90 and west of the Atchafalaya River.

(2) Three members shall be licensed farmers appointed from a list of five nominations from the Louisiana Alligator Farmers and Ranchers Association. The nominees shall have held licenses for the preceding three years.

(3) Three members shall be appointed from a list of five nominations from the Louisiana Landowners Association. The nominees shall all own or manage land located in the coastal zone. One member shall be appointed to represent the area of the coastal zone east of Bayou Lafourche, one member shall be appointed to represent the area of the coastal zone between Bayou Lafourche and the parish line between Iberia Parish and Vermilion Parish, and one member shall be appointed to represent the area of the coastal zone west of the parish line between Iberia Parish and Vermilion Parish.

(4) The secretary or his designee shall be an ex officio member of said council and shall be present at all official meetings.

C. A vacancy created whether by reason of death, resignation, expiration of term, or any other cause of a member of the council shall be filled in the same manner as provided in Subsection B of this Section.

D.(1) The members of the council initially appointed shall, at their first meeting, determine by lot their terms of office, which terms shall commence immediately upon their appointment and shall expire, respectively, as follows: one member from each of the nominating authorities in two years, one member from each of the nominating authorities in four years, and one member from each of the nominating authorities in six years, from the first day of July immediately succeeding such appointment. Thereafter all terms shall be six years.

(2) No member shall succeed himself after completion of a six-year term but may be reappointed after not serving on the council for six years. However, if a person has been appointed to fill less than one-half of an unexpired term, such person shall be eligible to serve consecutively an additional six-year term in addition to such partial term.

Acts 2008, No. 272, §2.

§279. Louisiana Alligator Resource Fund

A. Recognizing that the Louisiana alligator industry is a vital aspect of Louisiana's economic base and that in recent years worldwide markets and prices have expanded at a tremendous rate; and recognizing the rapid expansion of Louisiana alligator farming industry statewide; and recognizing the uniqueness of the state's alligator farming industry, one state agency, the Louisiana Department of Wildlife and Fisheries, has provided the impetus for inception and development of the total alligator conservation program; and recognizing the many beneficial influences that Louisiana's alligator program has had on crocodilian conservation worldwide; and recognizing world trends questioning the consumptive utilization of wildlife species, and recognizing that those trends, by adversely affecting economic conditions, could have a severe impact on the alligator industry; and recognizing that raw and finished alligator skins and products are largely consumed outside the United States; and recognizing the need to educate the public concerning alligator hunting as a sound wildlife management practice; and recognizing the urgent need to support the alligator industry with a comprehensive research and development program; and recognizing the need to staff and fund the Louisiana Department of Wildlife and Fisheries with adequate personnel in order to service this industry's needs, the Legislature of Louisiana does hereby establish the Louisiana Alligator Resource Fund within the Louisiana Wildlife and Fisheries Conservation Fund. The Alligator Resource Fund is intended to help defray the cost of alligator programs within the fur and refuge division of the Louisiana Department of Wildlife and Fisheries.

B. The specific goals of this Section are:

(1) To provide salaries and financial support including associated indirect cost for the following positions, to provide a minimum of two full-time technical positions (biologists) and eight nontechnical positions such as computer operators, secretaries, and wildlife specialists existing within the fur and refuge division of the Louisiana Department of Wildlife and Fisheries.

(2) To assist with funding for law enforcement activities associated with the alligator farm industry when surplus funds are available and recommended by the Louisiana Alligator Advisory Council.

(3) To assist with funding marketing programs recommended by the Louisiana Alligator Advisory Council when surplus funds are available.

(4) To actively fund research on all aspects involved with alligator conservation and to develop the techniques needed to enhance the commercial alligator industry.

(5) To assist in funding management of the alligator population through proper management, harvest, and farm facility management.

C.(1) All revenues received by the state from the sale of licenses as provided in R.S. 56:251(A)(2), from tag fees imposed on alligator hunters, alligator farmers, alligator shipping label fees on the sale of alligators, and all revenues derived from any other alligator-related fees and from the severance tax on alligator skins provided for in R.S. 56:256 shall be credited by the state treasurer to a special fund designated as the "Louisiana Alligator Resource Fund" after those revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer, prior to placing such funds in the state general fund, shall pay into the Louisiana Alligator Resource Fund an amount equal to the revenues generated from collection from those sources provided for in this Section and other sources as provided by law.

(2) The state treasurer shall invest the monies in this fund in the same manner as monies in the state general fund. Any surplus monies remaining to the credit of the fund, after all appropriations of the preceding fiscal year have been made, shall remain to the credit of the fund. The state treasurer shall prepare and submit to the department on a quarterly basis a printed report showing the amount of money contained in the fund from all sources.

(3) Any amounts earned through investment of the monies in the fund shall remain to the credit of the fund and shall not revert to the state general fund.

D.(1) The monies made available by the legislature from the fund as provided in this Section or from any other source shall be used solely for the programs, purposes, and specific goals enumerated in this Section.

(2) The Department of Wildlife and Fisheries shall maintain records of the sources of money received and the purposes therefor, as well as the person or persons to whom money is paid and the purpose therefor. Vouchers or receipts shall be kept for all money paid out. Money appropriated or otherwise made available to the department for authorized purposes shall be withdrawn from the treasury on warrant of the secretary of the department.

(3) The Department of Wildlife and Fisheries in utilizing monies from the fund shall contract, only with the approval of the Louisiana Alligator Advisory Council, for any services relating to specific goals enumerated in this Section. The secretary is hereby authorized and empowered to carry out any and all contracts entered into in order to achieve these goals.

E. The Department of Wildlife and Fisheries shall make a written operating report to the legislature at the end of each fiscal year. This report shall contain a summary of revenues received, expenditures made, and the status of achievement of specific goals. This report shall be submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources by the end of the calendar year.

Acts 1991, No. 1041, §1, eff. July 26, 1991; Acts 1993, No. 294, §1, eff. Sept. 1, 1993; Acts 2008, No. 272, §2; Acts 2008, No. 580, §7.

§280. White or albino alligators; taking from the wild; prohibition; penalties; notification to alligator hunters

A. Recognizing that the Louisiana alligator is an important and integral aspect of a vast and complex ecological system, it shall be the policy of the state that those extremely rare species of alligator whose color substantially deviates from the norm shall be especially protected.

B.(1) No person shall, whether intentionally or unintentionally, take from the wild any alligator that is white or albino.

(2) Subject to the rules and regulations promulgated by the department:

(a) Landowners or licensed alligator farmers or ranching operations, may take the alligator from the wild for its own protection.

(b) Any alligator eggs in the possession of or collected by a licensed alligator farmer or ranching operation which are hatched and contain white or albino alligators may, with prior approval of the department, remain in the possession of such licensed operators.

(3) All such instances of possession shall be reported immediately to the department.

(4) The disposition of white or albino alligators which have been reported to the department under the provisions of this Subsection shall be established by rules and regulations. Any person who unintentionally takes from the wild any alligator that is white or albino which is taken by the state shall be paid just compensation therefor by the state.

C. Any person who unintentionally takes from the wild any alligator that is white or albino by hook and line shall immediately report its presence and location to the department, whether the alligator is dead or alive.

D. It shall be a violation of this Section if any person intentionally takes from the wild any alligator that is white or albino by means of a long or compound bow and barbed arrow, firearm, or by any other means. In addition to the penalties imposed by Subsection E of this Section, any such person who violates the provisions of this Subsection shall immediately report the alligator's presence and location to the department, whether the alligator is dead or alive.

E. Whoever violates any provision of this Section shall be subject to a fine of not less than ten thousand dollars and imprisoned for not less than six months or more than twelve months, or both. For any subsequent violation of this Section, there shall be a fine of not less than ten thousand dollars imposed and imprisonment for not less than two years.

F. It shall be the responsibility of the department to provide notice to all alligator hunters of the provisions of this Section, both orally and in writing, at the time they apply for a resident or nonresident alligator hunter's license.

Acts 1992, No. 644, §1, eff. July 2, 1992.

NOTE: *See Acts 1992, No. 644, §2.*

SUBPART B. NUTRIA CONTROL

§281. Nutria control cost-sharing; statement of intent

Recognizing the escalating deterioration of the state's fragile coastal wetlands due to an overpopulation of furbearing nutria, and recognizing the economic importance of the nutria to the Louisiana fur industry, the Department of Wildlife and Fisheries, in accordance with the Wetlands Conservation and Restoration Plan, is authorized to enter into cooperative endeavor agreements which establish a cost-sharing program as an economic incentive to trappers and coastal landowners in those areas of the state experiencing damage or loss of coastal lands due to the overpopulated nutria.

Acts 1990, No. 552, §1, eff. July 1, 1990.

§282. Powers and duties of the secretary

In carrying out the purposes of the program authorized by R.S. 56:281, the secretary may do the following:

- (1) Enter into cooperative endeavors with qualifying coastal landowners which provide for cost-sharing agreements with such coastal landowners to provide financial incentives for the trapping of nutria on land owned by them.
- (2) Determine, upon application by coastal landowners, which of the lands owned by such landowners are eligible for such financial incentives.
- (3) Have the responsibility for planning, administration and program management, and for monitoring the results of the program authorized by this Subpart.
- (4) Adopt and promulgate such rules and regulations, pursuant to the Administrative Procedure Act, as necessary to implement this program in order to trap and control overpopulated nutria contributing to coastal wetland loss.

Acts 1990, No. 552, §1, eff. July 1, 1990.

§283. Cooperative agreements; cost-sharing

A. The secretary may enter into cooperative endeavor agreements with coastal landowners who qualify to participate in the program, whereby the following economic incentives are paid to trappers who have agreed to trap nutria on land of the coastal landowners which is experiencing damage or loss of coastal wetlands because of overpopulation by nutria, all on the following cost sharing basis.

B. Each coastal landowner experiencing such nutria problems and desiring to participate in the program shall submit to the department such information as the department may require concerning nutria destruction on his land and shall provide such security as the secretary may require to insure payment by him to the trapper of his portion of the economic incentive provided in Subsection C of this Section.

C. The cooperative endeavor agreement shall provide for cost sharing in that there shall be an additional one dollar economic incentive paid to trappers under contract with qualifying coastal landowners per nutria with a pelt of marketable fur trapped and sold from those lands of the coastal landowner which are experiencing damage or loss because of nutria overpopulation, as determined by the secretary. The state, on a one to one match, shall pay fifty cents of the one dollar incentive per nutria trapped and sold, and the coastal landowner shall pay the remaining fifty cents, directly to the trapper for trapping services. The agreements shall provide that this cost-sharing program shall remain in effect and payments thereunder shall be made only as long as the average market price which the secretary determines will be paid to the trapper does not exceed four dollars per nutria pelt.

Acts 1990, No. 552, §1, eff. July 1, 1990.

§284. Annual proposal; cost-sharing; purpose

A. The secretary may annually submit a proposal to provide cost-sharing incentives to nutria trappers on lands determined to be eligible under R.S. 56:282 for approval by the Wetlands Conservation and Restoration Authority, not to exceed fifty thousand dollars annually. If approved, only that portion of the economic incentives paid to trappers on eligible lands may be funded using monies from the Wetlands Conservation and Restoration Fund. No other costs associated with the program shall be borne by the Wetlands Conservation and Restoration Fund.

B. The purposes of this program shall be consistent with the purposes set forth in the Wetlands Conservation and Restoration Plan.

Acts 1990, No. 552, §1, eff. July 1, 1990.

SUBPART C. WILD ANIMAL MANAGEMENT

§291. Feeding of wild bears prohibited

No person shall intentionally feed or attempt to feed a wild bear. The provisions of this Section shall not prohibit legal baiting of deer. The first violation of this Section by any person shall result in the issuance of a warning ticket only. Any subsequent violation by the same person shall be a class two violation. The Wildlife and Fisheries Commission is authorized to promulgate, under the Administrative Procedure Act, rules and regulations for the administration and enforcement of this Section.

Acts 2004, No. 164, §1.

PART VI. FISHING AND FISH INDUSTRY LICENSING

SUBPART A. GENERAL PROVISIONS

§301. Definitions

A. "Fish" (noun), as used in this Part, means all fish as defined in R.S. 56:8, except in no case shall it apply to any quadruped as defined in this Title.

B. Unless specifically provided for otherwise, the term "person", for any person required to be licensed pursuant to this Part shall mean an individual and shall not include any type of association, corporation, partnership, or other type of legal entity recognized by law.

C. The term "hook and line", as used in this Part, means any device used for taking fish, consisting of a hook attached to any type of line or wire. This includes but is not limited to trotlines, a rod with or without a reel, a fishing pole, a trolling line, a handline, a bait casting apparatus, a fly casting apparatus, and the device known as a yo-yo.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§301.1. License requirements; possession; nontransferability

A. Persons taking fish, whether recreationally or commercially, and persons involved in the fish industry, including wholesale/retail dealers and transporters, and vessels involved in the fish industry must be licensed in accordance with this Part.

B. Persons and vessels engaged in an activity for which a license is required must have in their immediate possession and, in the case of a vessel on board the vessel, a valid, original license and shall show such license upon demand to a duly authorized agent of the department.

C. Licenses are valid in any parish and on any day of the year.

D. Except as provided in this Part, licenses cannot be assigned or transferred to, or used by, any other person or vessel than to whom issued. An officer authorized to enforce the provisions of this Part shall take possession of any license found in the possession of any person or vessel other than

the one to whom issued and shall deliver it to the department for cancellation. The license is thereupon void.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§301.2. Application requirements; proof of residency; material misstatements; fees for certain alien individual licenses

A. The following applies to all licenses required by this Part:

(1) No license may be issued until all information requested on the application is supplied to the issuing agent. When a license application requires the submission of an income tax return, sufficient proof of the accuracy of the return may be by notarized affidavit of the preparer of the return. The affidavit shall include language certifying that the information in the return is complete and accurate.

(2) Forms of acceptable payment for licenses shall be determined by the department.

(3) No resident license may be issued prior to proof of Louisiana residency by the applicant.

(4) The issuance of a license is conditional upon validation of all information on the application. If the department finds any material misstatement of fact regarding the residency of the applicant or the ownership of the vessel for which application is made, the license is void and shall be immediately surrendered to an agent of the department.

B. The license fee for an alien individual for licenses required in Subparts C, D, E, F, G, and I of this Part shall be two times the cost of a similar nonresident license.

Acts 1986, No. 904, §1; Acts 1997, No. 1413, §1, eff. July 15, 1997; Acts 1999, No. 177, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§301.3. Applicability to other fishing laws

This Part applies solely to licensing and shall not, in any manner, grant fishing privileges greater than those stated in this Part or in any other Section of this Title.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§301.4. Records; confidentiality

A. All information obtained pursuant to the licensed recordkeeping provisions of this Part shall be used for the equitable and efficient administration and enforcement of the laws pertaining to the fisheries resources of the state and for conservation and management purposes.

B. The department shall draft regulations, prescribing procedures to preserve the confidentiality of all fisheries dependent data, information, or statistics submitted or collected pursuant to the provisions of this Section, for approval by the Wildlife and Fisheries Commission and promulgation in accordance with the Administrative Procedure Act. These regulations shall provide for compliance with all procedures set forth by the United States Department of Commerce, or any of its agencies or instrumentalities, for the confidentiality of fishing statistics collected from individuals or firms by that department, its agencies, or instrumentalities.

Acts 1986, No. 904, §1; Acts 1991, No. 234, §1.

§301.5. Commission rules and regulations

The commission may promulgate rules and regulations concerning any aspect of licensing not specifically provided for in this Part.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§301.6. Special licenses and permits

A person taking or possessing fish with a permit or license pursuant to R.S. 56:17, 318, 319, 412, 571, or any other Section of the laws of Louisiana, and unless otherwise prohibited by law, may be required to be licensed pursuant to this Part. A decision to require licensing shall be made at the sole discretion of the secretary.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§301.7. Dedication of proceeds of licenses

A. Proceeds from all recreational licenses issued under Subpart B of this Part are dedicated to the Conservation Fund and shall be expended by the department for the purpose of maintaining fish hatcheries, sanctuaries, and in the general work of the enforcement of its laws by the department except that proceeds received from the sale of licenses issued for the taking of saltwater finfish shall be expended for the purpose of supporting research, management, and administration of saltwater finfish by the saltwater finfish section of the seafood division and except that proceeds from the sale of freshwater trout licenses shall be expended for the purpose of supporting the stocking, management, and administration of the freshwater trout program by the fisheries section of the freshwater fish division.

B. Proceeds from commercial licenses issued under Subparts C, D, E, and G of this Part are dedicated to the Conservation Fund and shall be expended by the department for the purpose of propagating and developing the fish industry, for fish cultural purposes, and in the general work of the department except that proceeds received from the sale of licenses issued for the taking or selling of saltwater finfish shall be expended for the purpose of supporting research, protection, management, and administration of saltwater finfish by the marine fisheries division and the enforcement division.

C. Proceeds from commercial licenses issued under Subpart F of this Part are dedicated to the Conservation Fund and shall be expended by the department for the purpose of development and administration of the dealer receipt forms program.

Acts 1986, No. 904, §1; Acts 1990, No. 455, §1; Acts 1997, No. 376, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§301.8. Nonresident recreational fishermen; possession of license; penalty

A. Nonresident recreational fishermen engaged in an activity for which a license is required must have in their immediate possession a valid, original license and shall present such license upon demand to a duly authorized agent of the department.

B. Violation of this Section shall constitute a class two violation, unless a higher class is otherwise specified by law.

Acts 1993, No. 246, §1.

SUBPART B. RECREATIONAL FISHERMEN

§302. Recreational fishing license; recreational gear

A. A recreational fisherman must purchase a basic recreational fishing license to use the following gear or to possess fish on the fishing grounds which have been caught for recreational purposes:

- (1) Hook and line
- (2) Bow and arrow
- (3) A barbless spear, or a multi-pronged barbed gig
- (4) Castnets with a radius not to exceed eight feet six inches
- (5) Frog gigs or catchers
- (6) Scuba gear

B. In addition to a basic recreational fishing license, a recreational fisherman over the age of sixteen years using any gear listed in R.S. 56:302.3 must purchase a recreational gear license as provided therein. Anyone under the age of sixteen years shall not be required to purchase or possess a gear license. However, any person using crawfish nets, dip nets, landing nets, minnow traps, crab nets, or crab lines for the purpose of taking fish for recreational purposes shall not be required to purchase or possess a basic recreational fishing license or be required to purchase a gear license.

C. A fisherman taking fish for sale, using any legal gear listed in R.S. 56:305, or legally taking fish in excess of any limitation as to size, length, or quantity for recreational fishermen must purchase a commercial fisherman's license, commercial gear license, and vessel license if applicable. This includes recreational fishermen taking fish using any gear listed in R.S. 56:305 for which a recreational gear license cannot be obtained pursuant to R.S. 56:302.3 and fishermen taking fish for sale using any legal gear.

D, E. Repealed by Acts 2000, 2d Ex. Sess., No. 1, §4, eff. June 26, 2000.

Acts 1986, No. 904, §1; Acts 1990, No. 455, §1; Acts 1991, No. 523, §1; Acts 1991, 871, §1; Acts 1992, No. 54, §1; Acts 1999, No. 1207, §1; Acts 2000, 2d Ex. Sess., No. 1, §4, eff. June 26, 2000; Acts 2004, No. 460, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§302.1. Annual license; temporary license; fees; saltwater fee; exemptions

A. The cost of the annual basic recreational fishing license is nine dollars and fifty cents for residents and sixty dollars for nonresidents, except that residents using a rod or fishing pole, hook and line, without a reel and without using artificial bait shall pay two dollars and fifty cents per year; however, any person required by this Part to possess a basic two dollars and fifty cents license shall be subject to a maximum fine of five dollars for not possessing the license as herein required, and there shall be no court costs associated with the fine.

B.(1) In lieu of the basic recreational fishing license, nonresidents may purchase a temporary basic recreational freshwater fishing license for a fee of five dollars per day.

(2) The revenues generated from the license fee imposed under this Subsection shall be deposited in the Wildlife and Fisheries Conservation Fund and shall be dedicated exclusively to the operation of the enforcement division.

C.(1)(a) In addition to the annual basic recreational fishing license, any person fishing in the saltwater areas of the state defined in R.S. 56:322 must purchase a saltwater license. The fee for the annual saltwater license is five dollars and fifty cents for residents and thirty dollars for

nonresidents. As a condition of the application for and the granting of the saltwater license, all saltwater finfish caught or transported by the license holder while the license is in effect are presumed to have been taken in the waters of Louisiana.

(b) In lieu of purchase of an annual basic recreational fishing license and an annual saltwater license, a nonresident may purchase a temporary saltwater license valid for the number of days specified by the purchaser at a fee of seventeen dollars and fifty cents per day. Such license shall enable the nonresident to fish in the saltwater areas of the state for the period of time indicated on the license.

(2)(a) *Repealed by Acts 2009, No. 22, §2, eff. June 12, 2009.*

(b) *Repealed by Acts 1997, No. 1236, §2.*

(c) A person fishing with a licensed charter guide on board the vessel may purchase a charter passenger fishing trip license at a fee of five dollars. Such license shall be valid for three consecutive days.

(d)(i) A resident who is totally and permanently disabled and receiving a disability benefit from the federal social security system or a disability retirement income from a retirement system whose members are exempt from federal social security, either pursuant to the Railroad Retirement Insurance Act, 45 U.S.C. 231, or because they are employees of a state or a political subdivision of the state that has not voluntarily agreed to participate in federal social security under 42 U.S.C. 418, may purchase a basic recreational fishing license for a fee of two dollars and fifty cents and a saltwater license for a fee of two dollars and fifty cents.

(ii) A letter from the federal social security administration or retirement system granting disability benefits shall be required at time of purchase, along with proper identification. Such letter shall be evidence of qualification for the reduced fee provided for in this Subparagraph.

(3) The saltwater license is not required for residents possessing a two dollars and fifty cents basic recreational fishing license and using only a rod or fishing pole, hook and line, without a reel and without using artificial bait.

(4) The saltwater license must be purchased and the fee paid irrespective of any agreement or provision of law not specifically waiving the license or fee. The required saltwater angling license shall not preclude a person from fishing for freshwater species of fish south of the designated saltwater line described in R.S. 56:322(A) or in saltwater lakes and bodies of water designated in R.S. 56:322(B). A person may take or possess in such designated saltwater areas, without a saltwater angling license, any freshwater species of fish in any number not otherwise prohibited by law, provided the person possesses a valid fishing license as otherwise required by law. For the purpose of enforcement, the department shall determine by rule which species of fish shall be classified as a freshwater species and which shall be classified as a saltwater species. Any person, without a valid saltwater angling license, that takes a saltwater species of fish as classified by the department from a designated saltwater area shall return such fish immediately to the waters from which taken without avoidable injury. An enforcement agent or officer of the department may inspect a fisherman's catch to insure compliance with this Paragraph.

D. *Repealed by Acts 2000, 2d Ex. Sess., No. 1, §4, eff. June 26, 2000.*

E. Notwithstanding any other provisions of this Subpart to the contrary, the department may allow a recognized nonprofit rehabilitation program, upon written request to the department, to purchase recreational fishing permits in accordance with the following provisions:

(1) A recognized nonprofit rehabilitation program designed to assist an individual in an alcohol or substance abuse program may apply to the department in order to purchase residential recreational fishing permits.

(2) The permits purchased may be similar to either the basic recreational fishing license or the basic saltwater license.

(3) The permits shall be issued in the name of the recognized nonprofit rehabilitation program only and not in any individual's name.

(4) The permits shall be used for rehabilitative purposes only and may not be transferred between rehabilitation programs.

(5) The secretary may promulgate rules and regulations in accordance with the provisions of this Subsection.

F.(1) Notwithstanding any other provision of this Subpart to the contrary, any resident of this state who is mentally retarded or developmentally disabled and who is engaged in recreational fishing as part of approved therapy and habilitation service, and who is fishing under the immediate supervision of personnel approved or employed by a hospital, residence, community home, school, or other facility licensed by the Department of Health and Hospitals in the care or rehabilitation of mentally retarded or developmentally disabled persons shall be exempt from the licensing requirements and fees applicable to recreational fishing license fees.

(2) The department shall issue permits to a licensed hospital, residence, community home, school, or other facility upon written request of such facility. The permits shall be issued in the name of the facility and shall be used only for purposes of approved therapy and habilitation services and shall not be transferrable to any other facility.

(3) The permits shall authorize mentally retarded or developmentally disabled persons to engage in recreational fishing as part of approved therapy and habilitation services while under the immediate supervision of personnel approved or employed by the facility.

(4) The mentally retarded or developmentally disabled person engaged in recreational fishing as provided in this Subsection and the supervisory personnel shall carry an authorization tag or other type of identification approved by the department.

(5) For purposes of this Subsection, the terms "mentally retarded" and "developmentally disabled" shall have the meanings ascribed to them in R.S. 28:381.

(6) The department shall promulgate rules and regulations for the implementation and administration of the provisions of this Subsection.

G. Notwithstanding any other provision of law to the contrary, in order to hunt or fish in the state of Louisiana, a resident of this state who turns sixty years of age on or after June 1, 2000, shall be required to obtain a senior hunting and fishing license. However, any resident who turned sixty years of age prior to June 1, 2000, may choose to purchase a senior hunting and fishing license. A fee of five dollars shall be charged for this license, and the license shall be available from June first of each calendar year and shall be valid from the date of purchase through the following June thirtieth. This license shall be in lieu of basic hunting, big game, bow, and primitive firearms licenses, waterfowl and turkey hunting stamps, and the basic and saltwater fishing licenses, and must be in the possession of the licensee when the licensee is engaged in hunting or fishing activities.

H. Any person who is not a resident of the state of Louisiana but who is a full-time student enrolled in an accredited college or university that has a physical campus in the state of Louisiana may purchase a nonresident basic fishing license for the cost of a resident fishing license as provided in this Section. In addition, a saltwater fishing license may also be purchased for the cost of a resident saltwater license. In order to purchase a license under the provisions of this Subsection, the person shall provide to the Department of Wildlife and Fisheries verification of his full-time status. Such verification may be provided through the mail. Any person fishing under a license issued pursuant to this Subsection shall also have on his person his student identification card which indicates current full-time status.

I. In lieu of a basic recreational fishing license, a nonresident may purchase a nonresident annual black bass tournament fishing license which authorizes the license holder to fish for black bass while participating in an official, registered fishing tournament. Tournament organizers shall register tournaments with the secretary's office at the Louisiana Department of Wildlife and Fisheries headquarters in Baton Rouge. The cost of the license shall be thirty dollars per year and the license shall be valid from July first until June thirtieth of the next calendar year. The license holder shall possess the license and evidence of his participation in a fishing tournament on his person while fishing. The license holder may only possess live black bass which are to be returned to the public waters of Louisiana.

Acts 1986, No. 904, §1; Acts 1989, No. 246, §1, eff. June 26, 1989; Acts 1990, No. 455, §1; Acts 1991, No. 587, §1, eff. July 16, 1991; Acts 1992, No. 874, §1, eff. July 1, 1993; Acts 1993, No. 256, §1, eff. July 1, 1993; Acts 1993, No. 504, §1; Acts 1995, No. 89, §1; Acts 1995, No. 119, §1, eff. June 12, 1995; Acts 1995, No. 1029, §1; Acts 1995, No. 1039, §1, eff. June 29, 1995; Acts 1997, No. 1236, §§1, 2; Acts 2000, 2d Ex. Sess., No. 1, §§3, 4, eff. June 26, 2000; Acts 2001, No. 19, §1; Acts 2001, No. 324, §1; Acts 2001, No. 448, §1, eff. June 18, 2001; Acts 2001, No. 901, §1; Acts 2003, No. 77, §1; Acts 2008, No. 27, §1, eff. July 1, 2008; Acts 2008, No. 51, §1, eff. June 5, 2008; Acts 2009, No. 22, §§1, 2, eff. June 12, 2009; Acts 2010, No. 289, §1.

NOTE: See *Acts 1986, No. 904, §5.*

§302.2. Exception for certain residents, nonresidents, and military personnel from purchase or possession of basic recreational and saltwater license

A. Residents and nonresidents under sixteen years of age are not required to obtain a basic recreational fishing license or saltwater license, but must have proof of age in their possession whenever fishing.

B. The following recreational fishermen, upon identification and proof of disability satisfactory to the department, shall be issued a basic recreational fishing license and saltwater license without payment of any fees:

(1) A resident who is a veteran of the armed forces, the Louisiana Army National Guard, or the Louisiana Air National Guard, having a permanent service connected disability classification of fifty percent or more;

(2) A resident who is blind, paraplegic, or is a single or multiple amputee, or is required to use one or more artificial limbs or permanent braces for mobility as a result of a permanent and total disability.

C. The secretary may exempt for good cause persons or groups of people from the basic fishing license or the saltwater license. Such exemption shall be in the form of a letter of permit from the secretary. The commission is authorized to promulgate rules and regulations which establish the criteria for such exemptions and which otherwise implement this exemption.

D. Repealed by Acts 2000, 2d Ex. Sess., No. 1, §4, eff. June 26, 2000.

Acts 1986, No. 904, §1; Acts 1990, No. 236, §1; Acts 1991, No. 587, §1, eff. July 16, 1991; Acts 1993, No. 290, §1; Acts 1995, No. 197, §1; Acts 2000, 2d Ex. Sess., No. 1, §§3, 4, eff. June 26, 2000; Acts 2004, No. 438, §1.

NOTE: See *Acts 1986, No. 904, §5.*

§302.3. Recreational gear license

A. A recreational fisherman must possess, in addition to a basic recreational fishing license, a recreational gear license indicating that the applicable gear fee has been paid, whenever using or possessing on the fishing grounds any gear listed in Subsection B, below.

B. Residents sixteen years of age or older shall pay a gear fee as follows:

(1) Crab traps: fifteen dollars for use of no more than ten crab traps. An amount equal to five dollars from each fee shall be credited to the Derelict Crab Trap Removal Program Account as provided in R.S. 56:10(B)(13). Residents who hold either a Sportsman's Paradise license, R.S. 56:646, or a combination lifetime hunting and sports fishing license, R.S. 56:649.3(B), shall be exempt from the requirements of this Paragraph.

(2) Hoop nets:

(a) Twenty dollars for use of no more than five hoop nets.

(b) Mobility impaired persons, as defined in R.S. 47:463.4(E), who are bona fide residents and over the age of sixty years may use one hoop net not greater than eighteen feet by eight feet, for the purpose of catching catfish for home consumption only. There shall be no gear fee or license charge, and all such persons must be in possession of valid identification.

(3) Oyster tongs: five dollars for each tong in use.

(4) Slat traps: (a) twenty dollars for use of no more than five slat traps.

(b) Mobility impaired persons, as defined in R.S. 47:463.4(E), who are bona fide residents and over the age of sixty years, may use one legal size slat trap for the purpose of catching catfish for home consumption only. There shall be no gear fee or license charge and all persons must be in possession of valid identification.

(5) Trawls:

(a) Twenty-five dollars for a trawl not exceeding sixteen feet in length.

(b) Eighty dollars for a trawl exceeding sixteen feet but not exceeding twenty-five feet in length.

(c) From July 1, 2005 through June 30, 2006, in addition to any other fees provided for in this Paragraph, any recreational fisherman who purchases a trawl gear license shall be required to pay an annual fee of ten dollars for residents and fifteen dollars for nonresidents for deposit into the Shrimp Trade Petition Account as provided for in R.S. 56:10(B)(1)(b)(ii). The licensee shall pay the fee required by this Subsection¹ only once in any single license year.

(6) Wire nets: twenty dollars for use of no more than five wire nets.

(7) Crawfish traps: Fifteen dollars for use of not more than thirty-five traps. The traps shall be marked with a waterproof tag, provided by the fisherman, with the name and recreational gear license number of the fisherman legibly printed on the tag. The possession of an untagged crawfish trap by a recreational fisherman shall constitute a violation of this Section. The provisions of this Paragraph shall not be applicable to anyone over the age of sixty years. The provisions of this Paragraph shall not be applicable to any person who has been declared permanently disabled by a licensed physician.

(8) Pipes/drums: ten dollars for use of no more than five pipes or five drums.

(9) Buckets/cans: ten dollars for use of no more than five buckets or five cans.

C. The gear fee for nonresidents is four times the gear fee for residents. An amount equal to twenty dollars from each license sold shall be credited to the Derelict Crab Trap Removal Program Account as provided in R.S. 56:10(B)(13).

D. No recreational fisherman shall use gill nets, trammel nets, strike nets, or seines, except bait seines in compliance with R.S. 56:323.

E. A valid recreational gear license may be transferred for temporary use only to a person holding a basic fishing license and having the same residency status as indicated on the license being transferred.

Acts 1986, No. 904, §1; Acts 1987, No. 570, §1, eff. July 9, 1987; Acts 1987, No. 570, §§1, 2, and 3, eff. July 9, 1987; Acts 1987, No. 854, §1; Acts 1988, No. 720, §1, eff. July 18, 1988; Acts 1991, No. 587, §1, eff. July 16, 1991; Acts 1993, No. 256, §1, eff. July 1, 1993; Acts 1995, No. 1080, §1; Acts 1995, No. 1316, §2; Acts 1997, No. 1181, §1; Acts 1998, 1st Ex. Sess., No. 155, §1, eff. May 7, 1998; Acts 1999, No. 420, §1; Acts 1999, No. 437, §2; Acts 1999, No. 1207, §1; Acts 2000, 2d Ex. Sess., No. 1, §4, eff. June 26, 2000; Acts 2001, No. 30, §1, eff. May 24, 2001; Acts 2003, No. 323, §1; Acts 2004, No. 95, §1; Acts 2005, No. 172, §1; Acts 2005, No. 195, §1, eff. July 1, 2005; Acts 2008, No. 37, §1, eff. June 5, 2008.

¹*As appears in enrolled bill. Should be "Subparagraph".*

§302.4. Recreational fishing licenses: license year; purchase period

A. Basic recreational licenses, freshwater trout licenses, saltwater licenses, and recreational gear licenses are valid beginning June first of each calendar year and expiring on June thirtieth of the following calendar year. However, through promulgation and adoption of rules and regulations therefor, the department may issue recreational licenses and recreational gear licenses for a period of one year from the date of issuance. Any such rule promulgated and adopted under the provisions of this Section shall supersede the licensure period delineated in this Section prior to the adoption of the rule.

B. *Repealed by Acts 1998, 1st Ex. Sess., No. 164, §3, eff. Sept. 21, 1998.*

C. The nonresident fishing licenses provided for in R.S. 56:302.1 may be purchased with a qualified credit card in accordance with the rules of the department adopted pursuant to R.S. 56:642.

D. A license may be issued to a bona fide resident upon presentation of a Louisiana driver's license or a special identification card issued by the Department of Public Safety and Corrections under the provisions of R.S. 40:1321.

Acts 1986, No. 904, §1; Acts 1990, No. 455, §1; Acts 1995, No. 660, §1; Acts 1998, 1st Ex. Sess., No. 164, §§2, 3, eff. Sept. 21, 1998.

NOTE: *See Acts 1986, No. 904, §5.*

NOTE: *See Acts 1998, 1st Ex. Sess., No. 164, §4, Re: Effectiveness and effective date of Act. Letter dated Sept. 21, 1998, was sent to Dept. Of Wildlife & Fisheries from commissioner of administration stating that funds were appropriated from the La. Technology Innovation Fund to implement the program.*

§302.5. Basic recreational fishing licenses; issuing agent commission

An issuing agent shall retain fifty cents of the fee collected from Louisiana residents from the sale of each basic recreational and temporary basic recreational fishing license issued by him and fifty cents of the fee collected from the sale of each saltwater license issued by him as full compensation for his services in issuing such licenses and collecting such fees. Such agent may retain one dollar of the fee collected from nonresidents for the sale of any of the licenses listed in this Section.

Acts 1986, No. 904, §1; Acts 1989, No. 240, §1, eff. June 26, 1989; Acts 1990, No. 455, §1; Acts 1998, 1st Ex. Sess., No. 164, §2, eff. Sept. 21, 1998; Acts 2000, 2d Ex. Sess., No. 1, §3, eff. June 26, 2000.

NOTE: *See Acts 1986, No. 904, §5.*

NOTE: *See Acts 1998, 1st Ex. Sess., No. 164, §4, Re: Effectiveness and effective date of Act. Letter dated Sept. 21, 1998, was sent to Dept. Of Wildlife & Fisheries from commissioner of administration stating that funds were appropriated from the La. Technology Innovation Fund to implement the program.*

§302.6. Recreational gear license place of purchase; basic recreational fishing license requirement

A recreational gear license may be issued by the department, and may be purchased in person at the Baton Rouge and New Orleans offices, and at any other location designated by the department. Nonresident recreational gear licenses may be purchased by credit card in accordance with the rules of the department provided for in R.S. 56:642.

Acts 1986, No. 904, §1; Acts 1995, No. 660, §1; Acts 1998, 1st Ex. Sess., No. 164, §2, eff. Sept. 21, 1998.

NOTE: *See Acts 1986, No. 904, §5.*

NOTE: *See Acts 1998, 1st Ex. Sess., No. 164, §4, Re: Effectiveness and effective date of Act. Letter dated Sept. 21, 1998, was sent to Dept. Of Wildlife & Fisheries from commissioner of administration stating that funds were appropriated from the La. Technology Innovation Fund to implement the program.*

§302.7. Free fishing days

A. Notwithstanding any other provision of law to the contrary, the commission may designate no more than two days in each year as free recreational fishing days during which residents and nonresidents may exercise the privileges of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

B. Any person fishing during a free recreational fishing day as may be declared by the commission shall be subject to all of the limitations, restrictions, conditions, laws, and rules and regulations applicable to a holder of a recreational fishing license.

Acts 1987, No. 301, §1.

§302.8. Repealed by Acts 1997, No. 206, §1.

§302.9. Charter boat fishing guide license; nonresident fee

A.(1) No person shall act as nor shall he represent himself to be a saltwater charter boat fishing guide unless that person has in his name a valid state charter boat fishing guide license, a valid captain's license issued by the United States Coast Guard, and a valid state recreational fishing license, or in lieu of a state recreational fishing license, the person was born prior to June 1, 1940, or has a valid senior hunting and fishing license issued pursuant to R.S. 56:302.1(G). In addition, any person acting as a saltwater charter boat fishing guide who is in charge of the operation of a vessel shall have his required licenses on his person while on the water. It shall not be a violation of this Section for a person to represent himself as a charter boat fishing guide if that person held a valid license during the previous thirty days but has not renewed the license.

(2) The nonresident charter boat fishing guide license shall be available only from the Baton Rouge office of the Department of Wildlife and Fisheries. Such licenses shall be issued on a consignment basis, and no agent fees shall apply. A nonresident charter boat fishing guide license shall only be made available to those persons who possess a valid captain's license issued by the United States Coast Guard.

B. A nonresident fishing from a vessel operated by a licensed charter boat fishing guide shall possess a valid license to fish in the saltwater areas of the state. Each nonresident shall possess a valid out-of-state motor vehicle operator's license or such other proof of residency as the department may require.

C.(1) The annual fee for a resident charter boat fishing guide license is two hundred fifty dollars for operating a vessel that carries not more than six passengers and five hundred dollars for operating a vessel that carries more than six passengers.

(2) The annual fee for a nonresident charter boat fishing guide license is one thousand dollars for operating a vessel that carries not more than six passengers and two thousand dollars for operating a vessel that carries more than six passengers.

D. A charter boat fishing guide license is valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year.

E. A charter boat fishing guide license may be purchased at any time of the year for the current license year and from November fifteenth for the immediately following license year.

F. A charter boat fishing guide license shall be issued by the department during normal working hours and may be purchased in person at any department district office, at the Baton Rouge and New Orleans offices, or at any other location designated by the department.

G. The fees derived pursuant to this Section shall be placed in the conservation fund. Ten percent of the fees collected annually from the sale of charter boat fishing guide licenses shall be used by the department for the promotion of the industry and protection of the fishery. Such fees are to be expended for such purposes through the Louisiana Charter Boat Association.

H. Each charter boat fishing guide licensee may complete a landing report and return the report to the department at the time and manner designated by the commission. The commission shall establish the information to be provided in the landing report by the charter boat fishing guide licensee. The landing report may include information on the number of trips taken, number of anglers fishing on a trip, area fished, time fished, trip origin, any information determined by the commission to be necessary to properly manage the fishery resource of the state, and any information required by the commission to prepare stock assessments. However, the commission shall not request any financial information. The information provided by a licensee shall be maintained as confidential in accordance with R.S. 56:301.4. The commission shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Subsection.

I. Except for Subsection H, a violation of any provision of this Section shall constitute a class four violation, R.S. 56:34.

Acts 1995, No. 1039, §1, eff. June 29, 1995; Acts 1997, No. 1236, §1; Acts 2001, No. 902, §1; Acts 2003, No. 3, §1; Acts 2008, No. 564, §1; Acts 2010, No. 654, §1.

§302.9.1. Charter boat license; skiff fee; charter fishing trip license

A. For a charter fishing operation which does not have a charter boat fishing guide present, a charter boat license shall be required. Such license shall be for a charter fishing operation which consists of a large motorized vessel carrying small skiffs attached to it with such skiffs to be used by no more than two people for fishing purposes. The main motorized vessel shall be required to carry a charter boat license, and the captain shall have a valid captain's license issued by the United States Coast Guard with the license on his person. For those vessels which carry up to six skiffs, the license fee shall be one thousand dollars per year. For those vessels which carry more than six skiffs, the license fee shall be two thousand dollars per year. No main motorized vessel licensed under the provisions of this Section shall enter any wildlife management area managed by the Department of Wildlife and Fisheries.

B. In addition, each skiff shall be required to have a charter skiff license which identifies the charter vessel to which it is attached. A licensed skiff shall only be used for fishing purposes while the charter vessel with which it is identified is located in Louisiana's territorial waters. Each charter skiff license shall be issued for an annual cost of fifty dollars per skiff.

C. The charter boat license and charter skiff license shall be valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year.

D. Each nonresident who fishes from a skiff attached to the charter vessel shall purchase a charter fishing trip license for a cost of thirty dollars per person, which license shall be valid for three consecutive days.

E. Any person fishing in or with a licensed charter skiff shall have in his possession a copy of the charter boat license, a copy of the charter skiff license, and his charter fishing trip license.

F. The Department of Wildlife and Fisheries may develop and promulgate rules and regulations necessary for the implementation of the provisions of this Section.

Acts 2001, No. 449, §1, eff. June 18, 2001; Acts 2003, No. 463, §1, eff. June 20, 2003.

§302.10. Sale of recreational catch

A. No person shall sell or barter any fish that has been taken recreationally or under the authority of any type of recreational fishing license or with any recreational gear.

B. A violation of this Section shall constitute a class four violation. In addition to the penalties provided in R.S. 56:34, any person convicted of a violation of this Section shall be further penalized as follows:

(1) For the first violation, a person shall forfeit his fishing license, and he shall not be issued a recreational license of any type and shall be barred from participating in any type of recreational fishing for a period of one year from the date of conviction.

(2) For the second violation, a person shall forfeit his fishing license, and he shall not be issued a recreational license of any type and shall be barred from participating in any type of recreational fishing for a period of two years from the date of conviction.

(3) For the third violation, a person shall forfeit his fishing license, and he shall never be issued a recreational license of any type and shall be forever barred from participating in any type of recreational fishing.

C. Any person who, after being barred, participates in a recreational fishing activity or obtains any recreational fishing license during a time of revocation shall be penalized under the provisions of R.S. 56:37(A)(2), upon conviction.

Acts 1995, No. 1316, §2; Acts 2003, No. 325, §1.

SUBPART C. COMMERCIAL FISHERMEN

§303. Commercial fisherman's license; fees; place of purchase; information

A.(1) A commercial fisherman taking fish, including bait species, from state waters or possessing fish in the state must purchase a commercial fisherman's license.

(2) A commercial fisherman selling his catch directly to a consumer shall possess a fresh products license as provided in R.S. 56:303.1.1. In addition, a commercial fisherman selling his catch to anyone other than a consumer or a licensed Louisiana wholesale/retail seafood dealer must possess a wholesale/retail seafood dealer's license as provided in R.S. 56:306 et seq.

B. The cost of the commercial fisherman's license is fifty-five dollars for residents and four hundred sixty dollars for nonresidents.

C. A commercial fisherman possessing a commercial fisherman's license must comply with all provisions of this Part and all other Sections of Title 56.

D. A commercial fisherman's license shall be issued only by the following:

(1) The department during normal working hours. The license may be purchased in person at the Baton Rouge and New Orleans offices, at any district office located south of Interstate Highway 10, and at the fisheries office located in Bourg and the office located in New Iberia, or

(2) Special certificate agents authorized by R.S. 34:851.37.

E.(1) Beginning with commercial fishermen's licenses issued on and after July 1, 2009, the department or the special certificate agent shall endorse a commercial fisherman's license as "certified" upon presentation to the department or the special certificate agent of a notarized statement from the tax preparer certifying that based upon his most recent federal income tax return the individual earns at least fifty percent of his income from commercial fishing activities. The department shall maintain a list of those commercial fishermen who possess a commercial fisherman's license having a "certified" endorsement.

(2) The Department of Revenue shall provide to the Department of Wildlife and Fisheries a list of the names and the social security numbers of those persons issued a certificate of exemption pursuant to R.S. 47:305.20(B) in accordance with the confidentiality provisions established in R.S. 47:1508.

(3) The Wildlife and Fisheries Commission shall promulgate necessary rules and regulations to implement the provisions of this Subsection.

F. A resident of this state who is seventy years of age or older may obtain a senior commercial fishing license for an annual fee of twenty dollars. The senior commercial fishing license shall be valid from January first of each calendar year until December thirty-first of the same calendar year. The license may be purchased at any time for the current license year and may be purchased after November fifteenth for the following license year. The license shall be in lieu of a commercial fisherman's license required by this Section and shall also serve in lieu of any commercial gear licenses that may be required by any activities engaged in by the license holder.

Acts 1986, No. 904, §1; Acts 1989, No. 237, §1, eff. June 26, 1989; Acts 1990, No. 199, §1; Acts 1997, No. 376, §1; Acts 1999, No. 1338, §1; Acts 2001, No. 28, §1; Acts 2003, No. 250, §1; Acts 2004, No. 556, §1; Acts 2005, No. 133, §3, eff. June 22, 2006; Acts 2009, No. 446, §2, eff. July 1, 2009.

NOTE: See Acts 1986, No. 904, §5.

§303.1. Commercial fisherman's license; license year; purchase period

A. A commercial fisherman's license is valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year.

B. A commercial fisherman's license may be purchased at any time of the year for the current license year and from November fifteenth for the immediately following license year.

Acts 1986, No. 904, §1; Acts 1997, No. 376, §1.

NOTE: See Acts 1986, No. 904, §5.

§303.1.1. Fresh products license

A. A commercial fisherman selling his catch directly to a consumer within the state of Louisiana shall possess a fresh products license.

B. The cost of a fresh products license shall be twenty dollars for residents and one hundred twenty dollars for nonresidents. The fresh products license shall be valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year.

C. The fresh products license shall be issued only by the department during normal working hours and may be purchased in person at the Baton Rouge and New Orleans offices or at any other location designated by the department.

D. Anyone holding a fresh products license shall, on or before the tenth day of each month, submit to the department, on forms provided or approved by the department for that purpose, information required by the department as provided in R.S. 56:303.7.

E. A commercial fisherman may purchase a secondary fresh products license for a spouse if he provides the spouse's name and social security number to the department. This secondary license will allow the commercial fisherman to continue to fish while the spouse sells the catch. The secretary of the Department of Wildlife and Fisheries shall promulgate rules and regulations implementing the provisions of this Subsection. The department is authorized to collect a fee for issuance of the license not to exceed five dollars which, after compliance with Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, shall be credited to the Conservation Fund.

Acts 1999, No. 1338, §1; Acts 2003, No. 357, §1.

§303.2. License possession; menhaden

A. The person in charge of the operation of each vessel engaged in commercial fishing must have, in his possession and in his name, a valid, original commercial fisherman's license. This person must also have in his possession a gear license indicating that the applicable gear fee has been paid and, if applicable, a vessel license.

B. For the purposes of commercial menhaden fishing, notwithstanding any other provision of law to the contrary, the commercial gear license and the vessel license may be issued in the name of the person in charge of the operation of the vessel, his employer, or the owner of the vessel, and may be issued to any individual person, partnership, corporation, or other legal entity recognized by law. Each vessel engaged in commercial menhaden fishing shall carry and have aboard a gear license and vessel license. The licenses shall be in the possession of the person in charge of the operation of the vessel.

C. For the purposes of this Subpart, only one commercial fisherman's license is required for each menhaden seine being used to take menhaden or other herring-like fish.

Acts 1986, No. 904, §1; Acts 1997, No. 4, §1, eff. May 7, 1997.

NOTE: *See Acts 1986, No. 904, §5.*

§303.3. Helpers

When a person in charge of the operation of a commercial fishing vessel, whether or not that person is the owner of the commercial fishing vessel, has a commercial fisherman's license and is on board the commercial fishing vessel, then any person assisting in commercial fishing under the supervision of such licensed person need not have a commercial fisherman's license in his name; provided, however, nothing in this Section shall be construed to authorize any person to engage in commercial fishing in any of the waters of this state at any time when the commercial fisherman's license of the person has been revoked or suspended.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§303.4. Commercial fisherman's sales receipt form

The commission shall develop, design, establish, adopt rules and regulations for, and implement, pursuant to the Administrative Procedure Act, a commercial receipt form to be used by wholesale/retail seafood dealers who purchase fish from commercial fishermen, soft shell crab shedders, and fresh products licensees. In addition to information otherwise required by law, commercial fishermen, wholesale/retail seafood dealers, crab shedders, and fresh product licensees shall provide such information as determined by the commission to be necessary to properly manage the fishery resource of the state, including information required by the commission to prepare stock assessments and other information required by the legislature.

Acts 1986, No. 904, §1; Acts 1987, No. 779, §1; Acts 1990, No. 441, §1; Acts 1997, No. 376, §1; Acts 1999, No. 1338, §1; Acts 2000, 1st Ex. Sess., No. 130, §1; Acts 2001, No. 28, §1.

§303.5. Presumptions relative to fish caught by person possessing a commercial fishing license

A. As a condition of the application for the granting of a commercial fisherman's license, all saltwater fish caught or transported by a vessel the operator of which is in possession of a valid Louisiana commercial fishermen's license shall be deemed to have been taken in the waters of Louisiana, and nothing to the contrary shall be claimed.

B. As a condition of possessing a commercial fisherman's license on a fishing trip on board a vessel taking, transporting, or possessing finfish for commercial purposes or in a quantity in excess of a recreational limit, all finfish on board shall be deemed to have been taken for commercial purposes. All finfish on board the vessel are subject to all applicable seasons, limits, regulations, restrictions, and size requirements.

Acts 1986, No. 904, §1; Acts 2004, No. 96, §1.

§303.6. Oyster harvester license

A.(1) Each captain of a vessel harvesting or possessing oysters in state waters must purchase an oyster harvester license at a cost of one hundred dollars for residents and four hundred dollars for nonresidents.

(2) This license shall be required in addition to any and all licenses otherwise required in this Part. The provisions of this Section shall apply to both commercial and recreational fishermen.

B. The revenues generated from this license shall be used by the Department of Wildlife and Fisheries solely for the Oyster Strike Force and the Department of Health and Hospitals for oyster water monitoring.

C. The provisions of this Section shall apply to commercial fishermen and shall not apply to recreational oyster fishermen taking no more than two sacks a day in accordance with R.S. 56:424(C).

Acts 1989, No. 516, §2; Acts 1990, No. 874, §1; Acts 1991, No. 788, §1; Acts 1992, No. 638, §1; Acts 1997, No. 419, §1.

§303.7. Transport and sale of the catch

A. The holder of a commercial fisherman's license may transport and sell his own catch to any licensed Louisiana wholesale/retail seafood dealer located within the state of Louisiana. The holder of a commercial fisherman's license may transport and sell his own catch to a consumer only within the state and only when in possession of a fresh products license as provided in R.S. 56:303.1.1. However, if he purchases fish for resale or transports his catch out of the state of Louisiana, or if he sells fish to a retail seafood dealer, restaurant, or retail grocer, he becomes a wholesale/retail seafood dealer and must obtain a wholesale/retail seafood dealer's license and is governed by the laws, rules, and regulations concerning wholesale/retail seafood dealers.

B. Whenever the holder of a commercial fisherman's license sells or transfers possession of his own catch to a wholesale/retail seafood dealer, he shall present the license to the dealer for license verification. The commercial fisherman shall provide the wholesale/retail seafood dealer with all information, as determined by the commission to be necessary to properly manage the fishery resources of the state, that is required to complete the commercial receipt form, which shall include but not be limited to the fisherman's first and last name, license number, signature, gear used, vessel used, primary location of where fish were caught, duration of trip, and permit numbers for species requiring a permit to harvest. The commercial fisherman shall sign each commercial receipt form attesting that the information provided therein is correct.

C. A commercial fisherman selling fish under the authority of a fresh product license specified in R.S. 56:303.1.1 shall record all information required on the commercial receipt forms, except that the fresh product license number shall be recorded in place of the wholesaler/retailer seafood dealer's license number. The fresh product licensee shall complete monthly returns to the department as specified in R.S. 56:306.6 for wholesale/retail seafood dealers. The commercial fisherman shall sign each commercial receipt form attesting that the information provided therein is correct.

Acts 1990, No. 441, §1; Acts 1997, No. 1106, §1, eff. July 14, 1997; Acts 1999, No. 1252, §1; Acts 2000, 1st Ex. Sess., No. 130, §1.

NOTE: *See Acts 1990, No. 441, §2.*

§303.8. Special apprentice license; commercial taking of saltwater fish; requirements

A. The commission shall provide for the obtaining of a special apprentice license for the authorized commercial taking of saltwater fish.

B. The cost of obtaining the special apprentice license shall be one-half the cost of the regular commercial fisherman's license or permit.

C. The requirements for obtaining the license shall include:

(1) That the applicant shall remain engaged in the fishing activity for at least two years as an apprentice to a person who possesses a valid regular commercial fisherman's license and permit issued by the department, and who is engaged in the commercial taking of saltwater fish by approved methods. The applicant will agree to being aboard the vessel with his mentor while engaged in the fishing activity under this permit.

(2) That the applicant shall meet qualifying fishing income criteria necessary to obtain a license and/or permit for the apprentice program within the two-year apprenticeship. Income may be made from any commercial fishing activity while accompanying a licensed commercial fisherman.

D. The special apprentice license shall authorize, under the same conditions as the regular license or permit, the commercial taking of saltwater fish by the apprentice during the period for which it is valid. The special apprentice license shall be valid for one year.

E. At the end of the two-year period, the holder of a special apprentice license may apply for a regular commercial fisherman's license or permit for spotted sea trout, rod and reel, mullet, or restricted species as provided in R.S. 56:325.4.

F. A person who holds or previously held a commercial fisherman's license, or who has been convicted of a class three or greater violation, shall be precluded from applying for an apprentice license under the provisions of this Section.

G. The commission shall adopt rules and regulations to implement the provisions of this Section.

Acts 1997, No. 1413, §1, eff. July 15, 1997.

§303.9. Presumption of fish used for commercial purposes only

As a condition of granting wholesale licenses, retail licenses, or transportation licenses, all fish in the possession on the premises of the licensed facility or licensed vehicle shall be deemed to be used for commercial purposes only.

Acts 1997, No. 670, §1.

§303.10. *Repealed by Acts 1998, 1st Ex. Sess., No. 54, §2, eff. April 29, 1998.*

SUBPART D. VESSEL LICENSE**§304. Vessel license; fees; place of purchase**

A. A vessel shall be licensed whenever engaged in commercial fishing in or whenever possessing fish for sale in the saltwater areas of the state defined in R.S. 56:322. A vessel may be licensed whenever engaged in commercial fishing in or whenever possessing fish for sale in the freshwater areas of the state defined in R.S. 56:322.

B. The cost of the vessel license is fifteen dollars for residents and sixty dollars for nonresidents.

C. Vessel licenses shall be issued only by the department during normal working hours and may be purchased in person at any department district office, at the department's Baton Rouge and New Orleans offices, or at any other location designated by the department.

D. Vessel licenses are issued in the name of the owner of the vessel and shall list the owner's name and address, the vessel name and registration or documentation number, and any other information required by the department.

E. "Owner", as used in this Subpart, means the person having legal ownership of the vessel and can be an individual person, association, corporation, partnership, or other legal entity recognized by law.

Acts 1986, No. 904, §1; Acts 2009, No. 446, §2, eff. July 1, 2009.

NOTE: *See Acts 1986, No. 904, §5.*

§304.1. Vessel license: license year; purchase period

A. A vessel license is valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year.

B. A vessel license may be purchased at any time of the year for the current license year and from October first for the immediately following license year.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§304.2. Operation by person not holding a commercial fisherman's license

A. It is unlawful for the owner of a commercial fishing vessel licensed under this Subpart to permit any person not holding a valid, original commercial fisherman's license to operate such licensed vessel while the vessel is engaged in commercial fishing or while the vessel is possessing fish for sale in the waters of the state.

B. A vessel engaged in commercial fishing and operated by a person not possessing a valid, original commercial fisherman's license subjects the vessel owner to revocation of the vessel license and seizure of the vessel and all fish and equipment thereon.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§304.3. Registered vessels

A commercial fishing vessel is considered registered under the laws of this state and for purposes of Section 306 of the Magnuson Fisheries Conservation and Management Act whenever the vessel is licensed pursuant to this Subpart, is owned or operated by a person licensed under this

Part, or whenever the vessel is used to bring fish into the state or its coastal waters or to fish for, take, catch, or transport fish that come into the state or its coastal waters.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§304.4. Display of license

Unless specifically provided for elsewhere, vessel licenses and license numbers shall be displayed in accordance with rules and regulations of the department.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§304.5. Transferability; change of vessel name

A. Vessel licenses are not transferable except as provided by rule or regulation of the department.

B. The name of a vessel for which a vessel license has been issued cannot be changed without prior notification to the department.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

SUBPART E. GEAR LICENSE

§305. Commercial gear license; issuance to certain nonresidents prohibited; moratorium on certain new gear licenses; renewals

A. A commercial fisherman must possess a commercial gear license indicating that the applicable gear fee has been paid whenever using or possessing on the fishing grounds any gear listed in Subsection B, below.

B. Residents shall pay a commercial gear fee as follows:

(1) Butterfly nets: twenty-five dollars for each butterfly net.

(2) Crab traps: thirty-five dollars to use any legal number of crab traps. An amount equal to five dollars from each commercial crab trap gear license shall be credited to the Derelict Crab Trap Removal Program Account as provided in R.S. 56:10(B)(13), and an amount equal to five dollars from each commercial crab trap license shall be credited to the Crab Promotion and Marketing Account as provided in R.S. 56:10(B)(1)(e). Any resident who holds a senior commercial fishing license shall be exempt from the provisions of this Paragraph.

(3) Oyster dredges: twenty-five dollars for each dredge.

(4) Gill nets:

(a) Twenty-five dollars to use any legal number of gill nets in the freshwater areas of the state as defined in R.S. 56:322(A) and (B).

(b) *Repealed by Acts 1997, No. 527, §2, eff. July 3, 1997.*

(c) Two hundred fifty dollars per mullet strike net that may only be used during the special mullet season defined in R.S. 56:333 or the special spotted sea trout season defined in R.S. 56:325.3(C).

(d) Two hundred fifty dollars per pompano strike net that may only be used during the special pompano season defined in R.S. 56:325.4 and 406.

(e) All commercial gear licenses as provided for in Subparagraphs (b), (c), and (d) of this Paragraph issued to all qualified nonresidents shall be one thousand dollars.

(f) Twenty-five dollars to use one shad gill net pursuant to R.S. 56:322.2. No person shall receive more than one such license per year.

(5) Hoop nets: twenty-five dollars to use any legal number of hoop nets.

(6) Purse seines/menhaden seines: five hundred five dollars for each purse seine in use.

(7) Seines: twenty-five dollars to use any legal number of seines.

(8) Oyster tongs: thirty dollars for each oyster tong.

(9) Slat traps: twenty-five dollars to use any legal number of slat traps.

(10) Trammel nets: twenty-five dollars to use any legal number of trammel nets in the freshwater areas of the state as defined in R.S. 56:322(A) and (B).

(11) Trawls: twenty-five dollars for each trawl, except no fee is required for use of a test trawl, as defined by R.S. 56:495.1(A), when used with another trawl for which the gear fee has been paid.

(12) Crawfish traps: twenty-five dollars to use any legal number of crawfish traps.

(13) Castnets with a radius in excess of eight feet six inches.

(14) Rod and reel: two hundred fifty dollars to fish in the saltwater areas of the state as defined in R.S. 56:322(A) and (B). The department may issue a saltwater commercial rod and reel gear license to each applicant only if the following conditions have been met:

(a) The applicant must provide positive proof that they held a valid commercial gear license for gill nets during any two years of the years 1995, 1994, and 1993.

(b) The applicant must provide positive proof, in the form of unamended original state and federal income tax returns, including Schedule C of the federal 1040 form, submitted in accordance with procedures established by the commission, that the applicant has derived more than fifty percent of his earned income from the capture and sale of seafood species in at least two of the three years, 1995, 1994, or 1993.

(c) *Repealed by Acts 1997, No. 727, §2.*

(d) Each commercial rod and reel fisherman shall report his total monthly commercial take to the department in accordance with the provisions of R.S. 56:345.

(15) Wire nets: twenty-five dollars to use any legal number of wire nets.

(16) Twenty-five dollars to use one shad seine in freshwater areas of the state pursuant to R.S. 56:322.1. No person shall receive more than one such license per year.

(17) Twenty-five dollars to use a freshwater shrimp net in accordance with R.S. 56:501.

(18) Any other type of legal gear not listed in this Subsection: twenty-five dollars. This type of gear includes pipes, buckets, drums, tires, and cans that are placed into the water for the purpose of capturing and taking fish for commercial purposes.

C.(1) The commercial gear fee for nonresidents is four times the gear fee for residents; however, the nonresident fee for oyster dredges and tongs in particular shall be eight times the fee for residents. An amount equal to twenty dollars for each nonresident commercial crab trap gear license shall be credited to the Derelict Crab Trap Removal Program Account as provided in R.S. 56:10(B)(13), and an amount equal to twenty dollars from each commercial crab trap gear license shall be credited to the Crab Promotion and Marketing Account as provided in R.S. 56:10(B)(1)(e).

(2) No commercial gear license allowing the use of specific fishing gear shall be issued to any nonresident whose domiciliary state prohibits the use of similar commercial fishing gear.

(3) Effective May 1, 1995, the department shall not issue any new commercial gear licenses for gill nets, trammel nets, strike nets, or seines for use in the saltwater areas of the state. The department may issue renewal licenses to any person, company, or corporation that held a valid commercial gear license for such gear for at least two years during either the 1992, 1993, or 1994 calendar years. The provisions of this Paragraph shall not apply to licenses issued for the commercial taking of menhaden.

D. In the event more than one gear type is in possession on the fishing grounds the gear fee for each type of gear must be paid and so indicated on the gear license.

E. A gear fee must be paid for each piece of gear or each type of gear, whichever is applicable, being used to take fish or, if the gear is not in use but is in possession on the fishing grounds, the gear fee must be paid for each piece of gear or type of gear, whichever is applicable, intended for use or which was used to take fish.

F. All persons on board any commercial vessel, from which any commercial rod and reel is used, shall possess a valid commercial fishing license.

G. In addition to any other fees provided for in this Section, any commercial fisherman who purchases a trawl, skimmer, or butterfly gear license shall be required to pay an annual fee of ten dollars for residents and forty dollars for nonresidents for deposit into the Shrimp Marketing and Promotion Account as provided for in R.S. 56:10(B)(1)(b)(i). The licensee shall pay the fee required by this Subsection only once in any single license year.

H.(1) For license year 2005, in addition to any other fees provided for in this Section, any commercial fisherman who purchases a trawl, skimmer, or butterfly gear license shall be required to pay an annual fee of ten dollars for residents and forty dollars for nonresidents for deposit into the Shrimp Trade Petition Account as provided for in R.S. 56:10(B)(1)(b)(ii). The licensee shall pay the fee required by this Subsection¹ only once in any single license year.

(2) For license year 2006, in addition to any other fees provided for in this Section, any commercial fisherman who purchases a trawl, skimmer, or butterfly gear license shall be required to pay an annual fee of fifteen dollars for residents and sixty dollars for nonresidents for deposit into the Shrimp Trade Petition Account as provided for in R.S. 56:10(B)(1)(b)(ii). The licensee shall pay the fee required by this Subsection¹ only once in any single license year.

Acts 1986, No. 904, §1; Acts 1987, No. 854, §1; Acts 1988, No. 825, §1; Acts 1988, No. 234, §1; Acts 1990, No. 307, §1; Acts 1991, No. 859, §1; Acts 1991, No. 871, §1; Acts 1991, No. 887, §1, eff. Nov. 1, 1991; Acts 1992, No. 54, §1; Acts 1995, No. 462, §1, eff. May 1, 1995; Acts 1995, No. 543, §2; Acts 1995, No. 1316, §2; Acts 1997, No. 527, §2, eff. July 3, 1997; Acts 1997, No. 727, §2; Acts 1997, No. 1181, §1; Acts 1999, No. 772, §1; Acts 2000, 2d Ex. Sess., No. 19, §1; Acts 2001, No. 112, §1; Acts 2003, No. 274, §1; Acts 2003, No. 379, §1; Acts 2004, No. 126, §1, eff. Nov. 15, 2004; Acts 2004, No. 825, §1; Acts 2004, No. 904, §1, eff. July 12, 2004; Acts 2005, No. 172, §1; Acts 2005, No. 195, §1, eff. July 1, 2005.

NOTE: *See Acts 1986, No. 904, §5.*

NOTE: *See Acts 2004, No. 904, §3, relative to termination.*

¹*As appears in enrolled bill. Should be "Paragraph".*

§305.1. License year; place of purchase; purchase period

A. A commercial gear license is valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year.

B. A commercial gear license may be purchased at any time of the year for the current license year and from October first for the immediately following license year.

C. Commercial gear licenses shall be issued only by the department during normal working hours and may be purchased in person at any department district office, at the department's Baton Rouge and New Orleans offices, or at any other location designated by the department.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§305.2. Applicant, license information; commercial gear license for the fishing of menhaden

A. Except as provided by Subsection D, a commercial gear license can only be purchased by a person possessing a valid commercial fisherman's license.

B. Except as provided by Subsection D, commercial gear licenses will only be issued in the name of the purchaser and shall list the purchaser's name, address, and license number of the purchaser's commercial fisherman's license.

C. The licensee is responsible for all activities taking place under privilege of the license.

D. For the purpose of a commercial gear license for the fishing of menhaden or other herring-like fish, the commercial gear license may be issued to any person, association, partnership, corporation, or any other entity recognized by law.

Acts 1986, No. 904, §1; Acts 1997, No. 4, §1, eff. May 17, 1997.

NOTE: *See Acts 1986, No. 904, §5.*

§305.3. Temporary transfer of commercial gear licenses

A. A valid commercial gear license may be transferred for temporary use only to a person holding a valid commercial fisherman's license and having the same residency status as indicated on the license being transferred. Gear licenses that require qualification shall not be transferred and may only be used by the person to whom it was issued.

B. A commercial gear license used by a person not holding a valid, original commercial fisherman's license and using gear under privilege of the commercial fisherman's license is subject to revocation.

Acts 1986, No. 904, §1; Acts 2004, No. 95, §1.

§305.4. Other licenses

The commercial gear license is required in addition to any other required licenses.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§305.5. Commercial gear license for gill net; permits to be used in the EEZ; dedication and expenditure of funds collected

A. All revenues generated from the issuance of commercial gear licenses for gill nets or permits issued under Subsection B of this Section to be used in the saltwater areas of the federal exclusive economic zone (EEZ) and the freshwater areas of the state shall be deposited to the Wildlife and Fisheries Conservation Fund to be used solely for costs associated with the issuance of commercial fishing licenses and for the enforcement of laws regulating wildlife, fish, and other aquatic life in the coastal zone of the state.

B. The secretary of the Department of Wildlife and Fisheries shall promulgate rules and regulations for the issuance of permits to persons authorized to possess gill nets, trammel nets, strike

nets, and seines within the territorial boundaries of the state while traversing state waters to and from the federal exclusive economic zone.

Acts 1991, No. 887, §1, eff. Nov. 1, 1991; Acts 1995, No. 1316, §2; Acts 1997, No. 527, §1, eff. July 3, 1997.

§305.6. Moratorium on crab trap gear licenses

For commercial license year 2005, no person shall be issued a commercial crab trap gear license unless that person possessed a valid commercial crab trap gear license during any one of the years 2002, 2003, or that portion of 2004 prior to November 15, 2004.

Acts 1995, No. 873, §1; Acts 2004, No. 831, §1, eff. July 12, 2004.

§305.7. Rod and reel gear license eligibility; class three or greater violations; prohibitions

Notwithstanding any other provision of law to the contrary, after April 29, 1998, any person convicted of a fishery-related class three or greater violation shall not be eligible to hold a commercial rod and reel gear license for a period of two years from the date of conviction. Upon a second conviction of such person for a fishery-related class three or greater violation, the period of ineligibility to hold a commercial rod and reel gear license shall be five years from the date of conviction. Upon a third and subsequent conviction of such person for a fishery-related class three or greater violation, the period of ineligibility to hold a commercial rod and reel gear license shall be ten years from the date of conviction.

Acts 1998, 1st Ex. Sess., No. 54, §1, eff. April 29, 1998.

SUBPART F. WHOLESALE/RETAIL SEAFOOD DEALER

§306. Wholesale/retail seafood dealer's license; place of business; employees; exemptions; wholesale out-of-state crab shipping license

A.(1) Any person buying, acquiring, or handling, from any person, by any means whatsoever, any species of fish, whether fresh, frozen, processed, or unprocessed, in Louisiana from within or outside the state, for sale or resale, including bait species, whether on a commission basis or otherwise, is a wholesale/retail seafood dealer and must purchase a wholesale/retail seafood dealer's license. A licensed wholesale/retail seafood dealer may act as a retail seafood dealer as specified in R.S. 56:306.1.

(2) A wholesale/retail seafood dealer shall include but not be limited to:

(a) The owner or operator of any fish factory, platform, soft shell crab shedding facility, or other processing plant.

(b) A person shipping fish out of or into the state.

B.(1) The license shall be in the name of the licensee and shall list the legal mailing address and the physical location of the place of business, and any other information required by the department. If the place of business is a vehicle, then the license shall state "vehicle" and shall list the legal mailing address and physical location of the licensee.

(2)(a) This license, when issued to an individual, allows the licensee to operate as a wholesale/retail seafood dealer at any point within the state when that person is in possession of the original license. The license is only valid for the person for whom it has been issued.

(b) This license, when issued to a corporation, partnership, or any other type of association, is only valid for one place of business and only valid to transact business for and in the name of the licensee.

(3) If the licensee owns or operates more than one place of business, then an additional wholesale/retail seafood dealer's license must be purchased for each additional place of business or vehicle. The additional licenses shall be in the same name of the operator, list a different license number than the original license, list the legal mailing address and the location of the place of business, and any other information required by the department.

(4) Individual employees of wholesale/retail seafood dealers are not required to obtain a wholesale/retail seafood dealer's license when transacting the business of the wholesale/retail seafood dealer on the premises of the place of business, or when delivering for or on behalf of a wholesale/retail seafood dealer and possessing a valid transport license purchased in connection with that wholesale/retail seafood dealer, but any employee or person buying, acquiring, handling, or selling fish as a wholesale/retail seafood dealer or for a wholesale/retail seafood dealer at any place other than on the premises of the place of business, or without a valid transport license for that wholesale/retail seafood dealer, must obtain a wholesale/retail seafood dealer's license. When individual employees of a wholesale/retail seafood dealer operate under authority of a transport license for the dealer, the wholesale/retail seafood dealer licensee remains responsible for all activities which take place under the authority of that license.

(5) The provisions of this Section shall not apply to a person transporting fish under the privilege of a Louisiana transport license purchased in connection with a Louisiana wholesale/retail seafood dealer's license when that person buys fish for or on behalf of the wholesale/retail seafood dealer to whom such transport license was issued and only transports such fish to that wholesale/retail dealer in Louisiana. When a person operates under the authority of a transport license for that dealer, the wholesale/retail seafood dealer licensee remains responsible for all activities which take place under the authority of that license.

(6)(a) In addition to the license requirements contained in this Section, any wholesale/retail seafood dealer who exports or attempts to export outside of the state of Louisiana any crabs, soft shell crabs, boiled crabs, containerized crabmeat, or containerized pasteurized crabmeat shall be required to purchase a wholesale out-of-state crab shipping license in addition to his wholesale/retail dealer's license. The wholesale out-of-state crab shipping license shall be issued in the same manner as a wholesale/retail seafood dealer's license and shall be issued only to a person who is a licensed wholesale/retail seafood dealer.

(b) The fee for a wholesale out-of-state crab shipping license shall be one hundred dollars per year. The license shall be valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year. The license may be purchased at any time of the year for the current license year and from November fifteenth for the immediately following license year.

(c) Of the revenues collected from the issuance of wholesale out-of-state crab shipping licenses, ten percent shall be deposited to the Conservation Fund, and ninety percent shall be deposited to the Crab Promotion and Marketing Account of the Seafood Promotion and Marketing Fund, R.S. 56:10(B)(1)(e).

Acts 1986, No. 904, §1; Acts 1990, No. 261, §1, eff. July 4, 1990; Acts 1997, No. 376, §1; Acts 1997, No. 866, §1; Acts 2004, No. 99, §1; Acts 2006, No. 401, §1, eff. Nov. 15, 2006; Acts 2008, No. 722, §1, eff. Nov. 15, 2008.

§306.1. Retail seafood dealer's license; place of business; employees; retail out-of-state crab shipping license

A. Any person buying, acquiring, or handling by any means whatsoever, from a Louisiana wholesale/retail seafood dealer, any species of fish whether fresh, frozen, processed, or unprocessed, that sells to the consumer for personal or household use and any person who ships fish out of or

within the state of Louisiana to the consumer for personal or household use shall purchase a retail seafood dealer's license.

B.(1) The license shall be in the legal name of the licensee and shall list the legal mailing address and physical location of the place of business and any other information required by the department. If the place of business is a vehicle, the license shall state "vehicle" and shall list the legal mailing address and physical location of the licensee.

(2)(a) This license, when issued to an individual, allows the licensee to operate as a retail seafood dealer at any point within the state when that person is in possession of the original license. The license is only valid for the individual for whom it has been issued.

(b) This license, when issued to a corporation, partnership, or any other type of association, is only valid for one place of business and only valid to transact business for and in the name of the licensee.

(3) If the licensee owns or operates more than one place of business, then an additional retail seafood dealer's license must be purchased for each additional place of business or vehicle. The additional licenses shall be in the same name of the business, list a license number which shall be different than the original license, list the legal mailing address and the physical location of that place of business, and any other information required by the department.

(4) Individual employees of retail seafood dealers are not required to obtain a retail seafood dealer's license when transacting the business for the retail seafood dealer on the premises of the place of business, but any employee or person buying, acquiring, handling, or selling fish as a retail seafood dealer other than on the premises of the place of business must obtain a valid retail seafood dealer's license. When individual employees of a retail seafood dealer operate under the authority of a transport license for that dealer, the retail seafood dealer licensee remains responsible for all activities taking place under authority of that license.

(5) The provisions of this Section shall not apply to a person transporting fish under the privilege of a Louisiana transport license purchased in connection with a Louisiana retail seafood dealer's license when that person buys fish for or on behalf of the retail seafood dealer and only transports such fish to that retail dealer.

(6) Restaurants and retail grocers who only purchase fish, whether fresh, frozen, processed, or unprocessed, from a licensed wholesale/retail seafood dealer and only sell such fish fully prepared by cooking for immediate consumption by the consumer need not be licensed in compliance with the provisions of this Section. Any restaurant or retail grocer who sells fish as described in R.S. 56:306 or 306.1 shall be licensed in accordance with the applicable law. All restaurants and retail grocers shall maintain records as required in this Subpart.

(7)(a) In addition to the license requirements contained in this Section, any retail seafood dealer who exports or attempts to export outside of the state of Louisiana any crabs, softshell crabs, boiled crabs, containerized crabmeat, or containerized pasteurized crabmeat shall be required to purchase a retail out-of-state crab shipping license in addition to his retail dealer's license. The retail out-of-state crab shipping license shall be issued in the same manner as a retail seafood dealer's license and shall be issued only to a person who is a licensed retail seafood dealer.

(b) The fee for a retail out-of-state crab shipping license shall be one hundred dollars per year. The license shall be valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year. The license may be purchased at any time of the year for the current license year and from November fifteenth for the immediately following license year.

(c) Of the revenues collected from the issuance of retail out-of-state crab shipping licenses, ten percent shall be deposited to the Conservation Fund, and ninety percent shall be deposited to the

Crab Promotion and Marketing Account of the Seafood Promotion and Marketing Fund, R.S. 56:10(B)(1)(e).

Acts 1986, No. 904, §1; Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 1997, No. 376, §1; Acts 2008, No. 722, §1, eff. Nov. 15, 2008.

§306.2. License fee; place of purchase

A.(1) The cost of the wholesale/retail seafood dealer's license is two hundred fifty dollars for residents and one thousand one hundred five dollars for nonresidents. Restaurants and retail grocers may sell native reptiles and amphibians for human consumption under the provisions of this Section.

(2) The cost of the retail seafood dealer's license is one hundred five dollars for residents and four hundred five dollars for nonresidents.

(3) Validly licensed wholesale/retail seafood dealers shall not be required to obtain licenses which are required by Subpart K of Part VII of Chapter 1 of this Title entitled "Reptiles and Amphibians". However, wholesale/retail seafood dealers are required to comply with any regulations contained within those Sections of law.

B. A wholesale/retail seafood dealer's license and retail seafood dealer's license shall be issued only by the department during normal working hours at the Baton Rouge and New Orleans offices, or at any other location designated by the department.

Acts 1986, No. 904, §1; Acts 1997, No. 376, §1; Acts 2006, No. 401, §1, eff. Nov. 15, 2006.

§306.3. Wholesale/retail seafood dealer's license and retail seafood dealer's license; license year; purchase period

A. A wholesale/retail seafood dealer's license and a retail seafood dealer's license are valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year.

B. A wholesale/retail seafood dealer's license and a retail seafood dealer's license may be purchased at any time of the year for the current license year and from October first for the immediately following license year.

C. The department may also authorize the purchase of a wholesale/retail seafood dealer's license and a retail seafood dealer's license for a four-year period at four times the cost of the annual license fee.

Acts 1986, No. 904, §1; Acts 1987, No. 92, §1; Acts 1987, No. 534, §1; Acts 1987, No. 851, §1; Acts 1990, No. 441, §1; Acts 1995, No. 543, §2; Acts 1997, No. 376, §1; Acts 2003, No. 182, §1.

§306.4. Restrictions on buying and selling and transportation by wholesale/retail seafood dealers, retail seafood dealer's license; restaurants and retail grocers

A.(1) Wholesale/retail seafood dealers shall buy directly from commercial fishermen validly licensed in Louisiana, and when purchasing fish for which a permit is required of the commercial fisherman, such dealers shall purchase only from those commercial fishermen possessing a valid permit. Wholesale/retail seafood dealers validly licensed in Louisiana, and in the case of wholesale/retail seafood dealers purchasing fish from out-of-state sellers and bringing the fish into Louisiana, shall purchase only from those persons from whom a wholesale/retail seafood dealer can legally purchase fish in the state of purchase, and from no one else.

(2) Each wholesale/retail seafood dealer who purchases fish from a licensed commercial fisherman shall record the sale on the three-part receipt form provided for in R.S. 56:303.7. The dealer shall copy the name and license number on the receipt form. The dealer, at the time of the

sale, shall provide the commercial fisherman with a sales receipt which shall be one part of the three-part receipt form. All wholesale/retail seafood dealers shall comply with the records requirements contained in R.S. 56:306.5.

B. Wholesale/retail seafood dealers can sell to anyone within or without the state.

C.(1) Retail seafood dealers, restaurants, and retail grocers shall buy directly only from wholesale/retail seafood dealers licensed in Louisiana. When a retail seafood dealer, restaurant, or retail grocer purchases fish from an out-of-state seller and brings the fish into the state, he shall buy directly from those persons from whom he can legally purchase fish in the state of purchase. When a restaurant or retail grocer buys fish from an out-of-state seller and brings the fish into the state, the restaurant or retail grocer shall be licensed in accordance with the provisions of R.S. 56:306 or 306.1 and shall possess a valid transport license when bringing such fish into the state.

(2) Restaurants and retail grocers who only purchase fish, whether fresh, frozen, processed, or unprocessed, from a licensed wholesale/retail seafood dealer and only sell such fish fully prepared by cooking for immediate consumption by the consumer, need not be licensed in compliance with the provisions of this Subpart. Any restaurant or retail grocer who purchases or sells fish in any manner other than as described in this Section must be appropriately licensed as required by this Subpart. All restaurants and retail grocers shall maintain records as required by this Subpart.

D. Notwithstanding the provisions of this Section or any other law to the contrary, persons who produce and harvest crawfish in private ponds or produce and harvest catfish in private ponds shall not be required to obtain, maintain, or exhibit any license, permit, or certificate in order to sell their crawfish or catfish. Any person may purchase crawfish or catfish, without any restrictions or requirements, from persons who produce and harvest crawfish in private ponds or produce and harvest catfish in private ponds.

Acts 1986, No. 904, §1; Acts 1987, No. 779, §1; Acts 1988, No. 955, §1; Acts 1990, No. 441, §1; Acts 1997, No. 376, §1; Acts 1997, No. 866, §1; Acts 2001, No. 28, §1.

§306.5. Records

A. Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers shall keep, in the English language:

(1) Records of the quantity and species of fish acquired, the date the fish was acquired, and the name and license number of the wholesale/retail seafood dealer or the out-of-state seller from whom the fish was acquired. When creel limits apply to commercial species, records shall also indicate the number by head count of such species of fish.

(2) Records of the quantity and species of fish sold, the date the fish was sold, and the name and license number of the person to whom the fish was sold. When sold to the consumer, the records shall indicate the quantity, species, and date and shall state that the fish was sold to the consumer.

B.(1) Wholesale/retail seafood dealers purchasing or acquiring fish from commercial fisherman shall complete a commercial receipt form. The commercial receipt form shall be a three-part form signed by both the commercial fisherman and the wholesale/retail seafood dealer or his designee, attesting to that the information required to be provided by each is correct. One part of the receipt form shall be retained by the wholesale/retail seafood dealer, one part shall be given to the commercial fisherman at the time of the transaction, and one part shall be transmitted to the secretary of the Department of Wildlife and Fisheries as provided for in R.S. 56:306.6.

(2) The wholesale/retail seafood dealer is responsible for recording on the commercial receipt form that information provided by the commercial fisherman as specified in R.S. 56:303.7, and is responsible for the following information at the time of purchase or transfer of possession of the catch from a commercial fisherman to a wholesale/retail seafood dealer: wholesale/retail seafood

dealer's name and license number, commercial fisherman's name, license number and signature, transaction date, species identification, quantity and units of each species, size and condition of each species, unit price of each species, and permit number for species requiring a permit to harvest.

C. The records required under Subsections A and B of this Section shall be maintained for three years and shall be open to inspection by the department.

D. All information, data, and statistics obtained by the department pursuant to this Section shall be used for the equitable and efficient administration and enforcement of the laws pertaining to the fisheries resources of the state and for conservation and management purposes.

E. The names, addresses, and license numbers of commercial fishermen, except oyster fishermen, shall remain confidential, provided such information shall be available to and used by the Department of Wildlife and Fisheries for administrative and enforcement purposes. However, the department may make the names and addresses of commercial fishermen available to public or private entities for financial consideration.

Acts 1986, No. 904, §1; Acts 1997, No. 376, §1; Acts 2000, 1st Ex. Sess., No. 130, §1.

§306.6. Monthly returns to the department by wholesale/retail seafood dealers

A. Each wholesale/retail seafood dealer shall, on or before the tenth of each month, make a return to the department of all commercial receipt forms representing actual transactions from every commercial fisherman during the preceding month. All commercial receipt forms submitted by a dealer shall be accompanied by a monthly submission sheet signed by the wholesale/retail seafood dealer certifying that the transactions submitted represent all of the transactions by that dealer from commercial fishermen for that particular month. Additionally, those wholesale/retail seafood dealers who shed soft shell crabs or operate soft shell crab shedding facilities shall, on or before the tenth of each month, submit to the department, on forms specified by the department, information relative to the amount of soft shell crab produced.

B. The Department of Wildlife and Fisheries shall draft regulations, for approval by the Wildlife and Fisheries Commission and promulgation under the Administrative Procedure Act, prescribing procedures to preserve the confidentiality of any data, information, or statistics submitted or collected pursuant to this Section. Such regulations shall allow compliance with federal procedures as set forth by the United States Department of Commerce or its agencies for confidentiality of fishing statistics collected from individuals or firms by the Department of Commerce or its agencies.

C. All fish purchased by wholesale/retail seafood dealers from persons other than licensed wholesaler/retail seafood dealers which are not reported as required herein shall be deemed to have been illegally possessed or purchased by the purchasing wholesale/retail seafood dealer.

D. No later than January 1, 2001, the department shall have in place the capability to receive through electronic means the commercial receipt form information required to be transmitted to the department by R.S. 56:306.5(B) and Subsection A of this Section. The department shall promulgate rules to regulate the submission of such commercial receipt form information electronically. Beginning January 1, 2001, a wholesale/retail seafood dealer may submit such commercial receipt form information electronically.

Acts 1997, No. 376, §1; Acts 2000, 1st Ex. Sess., No. 130, §1; Acts 2006, No. 401, §1, eff. Nov. 15, 2006.

§306.7. Definitions

For the purposes of this Subpart:

(1) "Place of business" means the place where orders for fish are received or where fish is sold, including a vehicle if fish is sold from the vehicle, but does not include a public cold storage vault,

temporary receiving station, or vehicle from which no orders are taken or no shipments or deliveries are made other than to the place of business of a licensee in this state.

(2) Person, owner, and operator shall all mean "person" as defined by R.S. 56:8.

Acts 2000, 1st Ex. Sess., No. 130, §1.

SUBPART G. TRANSPORT LICENSE

§307. Transporter; license required

A. Operators and drivers of any form of commercial transport, except common carriers, who are in the act of loading, unloading, or transporting fish shall have in their possession at least one of the following licenses:

- (1) A commercial fisherman's license.
- (2) A wholesale/retail dealer's license.
- (3) A transport license.

B. Persons who produce and harvest crawfish in private ponds or who produce and harvest catfish in private ponds shall not be required to obtain, maintain, or exhibit any license, permit, or certificate in order to transport crawfish from the place where they were produced or harvested in private ponds or catfish from the private pond to the first point of sale.

C. Transport license requirements shall not apply to fish or fish products which are the result of processing as defined in R.S. 56:8.

Acts 1986, No. 904, §1; Acts 1987, No. 92, §1; Acts 1987, No. 534, §1; Acts 1987, No. 779, §1; Acts 1987, No. 851, §1; Acts 1990, No. 564, §1; Acts 1995, No. 543, §2.

NOTE: *See Acts 1986, No. 904, §5.*

§307.1. Transport license fee; underlying license

A. The cost of a transport license is thirty dollars per vehicle and can only be purchased by a person holding a valid Louisiana commercial fisherman's license or valid Louisiana wholesale/retail dealer's license.

B. The transport license shall be in the name of and bear the license number of the purchaser and shall state "transport license".

C. The transport license may be applied for in the same manner and is valid for the same one-year period as that of the purchaser's license.

D. The department may also authorize the purchase of a four-year transport license at four times the cost of the annual license fee.

Acts 1986, No. 904, §1; Acts 2003, No. 182, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§307.2. Buying and selling prohibition by transporters; exceptions

A. A person transporting fish under privilege of a transport license is prohibited from buying or selling, by any means whatsoever, any species of fish.

B. The provisions of this Section shall not apply to a person transporting fish under the privilege of a Louisiana transport license purchased in connection with a Louisiana wholesale/retail dealer's

license when that person buys fish for or on behalf of the wholesale/retail dealer to whom such transport license was issued and only transports such fish to that wholesale/retail dealer.

Acts 1986, No. 904, §1; Acts 1990, No. 261, §1, eff. July 4, 1990.

NOTE: *See Acts 1986, No. 904, §5.*

§307.3. Number of licenses that can be purchased

A validly licensed commercial fisherman or wholesale/retail dealer may purchase any number of transport licenses.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§307.4. Repealed by Acts 1987, No. 779, §2.

§307.5. Transferability

Transport licenses are freely transferable between vehicles, but the licensee remains responsible for all activities taking place under authority of that license.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§307.6. Common carriers

Common carriers are exempted from the licensing provisions of this Section, but are required to comply with R.S. 56:307.7 below.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§307.7. Shipping records

A. Shipments containing fish shall be plainly marked, the tags or certificates to show the date and names of the consignor and the consignee, with an itemized statement of the number of pounds of fish and the names of each kind contained therein. Bills of lading issued by a common carrier for such shipments shall state the number of packages which contain fish, and the date and names of the consignor and consignee, with an itemized statement of the number of pounds of fish and the names of each kind contained therein. Shipments of fish of any species and fish products shall be subject to inspection by enforcement agents of the department while in transit and upon leaving the state.

B. Information, data, and statistics obtained by the department pursuant to this Section shall be used for the equitable and efficient administration and enforcement of the laws pertaining to the fisheries resources of the state and for conservation and management purposes.

Acts 1986, No. 904, §1; Acts 2000, 1st Ex. Sess., No. 130, §1.

NOTE: *See Acts 1986, No. 904, §5.*

SUBPART H. PENALTY

§308. Penalty

A. Violation of R.S. 56:301.1(A), (B), and (C), as applied to recreational fishermen, or violation of Subpart B of this Part constitutes a class one violation.

B. Violation of any of the provisions of this Part, except those listed in Subsection A of this Section, constitutes a class three violation.

Acts 1986, No. 904, §1.

NOTE: *See Acts 1986, No. 904, §5.*

SUBPART I. SOFT SHELL CRAB SHEDDERS

§§309-309.4. *Repealed by Acts 2006, No. 401, §2, eff. Nov. 15, 2006.*

PART VII. FISH AND OTHER AQUATIC LIFE

SUBPART A. SPORT AND COMMERCIAL FISHING

§311. *Repealed by Acts 1981, No. 737, §2.*

§312. *Repealed by Acts 1985, No. 876, §4, eff. July 23, 1985.*

§313. Control of fisheries; duty of commission; duty of the department

The exclusive control of the fish having a game or commercial value in the state is vested in the commission. The department shall enforce the provisions of law regulating them. All fish taken, possessed, or transported contrary to the provisions of this Subpart shall, when found, be confiscated by the department through its authorized agents.

Acts 1974, No. 223, §1. Amended by Acts 1979, No. 277, §1.

§314. Confiscation of unlawful tackle

Possession or operation on the fishing grounds of illegal, unlicensed, or improperly tagged tackle is prima facie evidence that it is being used unlawfully or kept for unlawful use. Such tackle, used in operation thereof, is a public nuisance and shall be confiscated and turned over to the commission.

If the property so seized is susceptible of lawful use it shall be returned by the commission to its lawful owner within thirty days after final disposition of the charge. If the seized property is illegal per se and not susceptible of lawful use the commission shall make disposition in accordance with the order of the court having jurisdiction over the charge; provided however, that no fishing tackle, gear, rods or reels shall be seized by any agent of the commission if the sole violation is the failure of the offender to have on his person a fishing license.

Acts 1974, No. 223, §1.

§315. Sanctuaries and propagating places; closed zones

The commission may set aside of itself, or concurrently with any duly authorized parish game and fish commission, suitable locations in any of the waters of the state in whole or in part, and operate and maintain hatcheries, sanctuaries, and propagating places for the protection and propagation of fish for maintaining the supply in those waters and for restocking same. Such areas shall be designated as closed zones, and fishing shall be restricted in any manner deemed advisable by the commission. In order to carry out the provisions of this section, the commission may purchase lands, build dams, expropriate property and do anything necessary to carry these provisions into effect.

Acts 1974, No. 223, §1.

§315.1. Fish ladders

The commission from any available funds, or concurrently with any duly authorized parish game and fish commission, may construct or place fish ladders in all lakes within the state subject to the approval of the Department of Public Works, where dam construction has caused a need therefor in order that propagating places may be reached by the fish. These lakes shall include but shall not be limited to the following: Caddo Lake.

Added by Acts 1983, No. 579, §1.

§316. Trespass on areas set aside for propagation of fish

A. No person shall willfully enter into or upon any building or other structure, or any area of land or water, set apart and used by or under authority of the commission for conducting scientific experiments or investigations, or for the propagation and distribution of fish, after the commission has printed notices of such occupation and use and the purpose thereof. These notices shall be placed in a conspicuous position adjacent to the area or upon the building or other structure.

B. No person shall willfully and maliciously injure or deface any such building or other structure or any notice posted as aforesaid; nor injure or destroy any property used in such experiments, investigations, or fish propagation; or otherwise interfere therewith.

C. Violation of any of the provisions of this Section constitutes a class three violation.

Acts 1974, No. 223, §1; Acts 1992, No. 528, §1, eff. June 29, 1992.

§317. *Repealed by Acts 2006, No. 399, §2, eff. June 15, 2006.*

§318. Taking fish for scientific or educational purposes; permits

A. The department may take fish of any kind when, where, and in such manner as may be deemed necessary for scientific or educational purposes and for propagation and distribution. The department shall have the authority to regulate or prohibit, by rule in accordance with the Administrative Procedure Act, the importation or introduction of live fish or fish eggs of any kind in public or private waters of the state.

B. No person shall introduce into the state any live fish or fish eggs without a permit issued by the department; provided, however, that the department shall have the authority to regulate or prohibit, by rule in accordance with the Administrative Procedure Act, the importation or introduction of goldfish and aquarium fish into the state.

C. The secretary may issue permits to any persons to take fish for scientific or educational purposes or for propagation or for distribution. The prohibition against the taking of fish by means of any device not specially permitted in this Subpart under the legal size limits provided in this Subpart during any closed season or closed zones designated by the department does not apply to such persons if, in the opinion of the department, the fish are necessary for scientific or educational purposes or for propagation or distribution to other waters of the state. These permits may be revoked at any time if abused.

Acts 1974, No. 223, §1. Amended by Acts 1981, No. 736, §1; Acts 1990, No. 196, §1.

§318.1. Fishing tournaments; special permits

A. Notwithstanding any other provision of law to the contrary, the commission may adopt rules in accordance with the Administrative Procedure Act to establish special permits authorizing participants in a large tournament to possess live black bass, *Micropterus* spp., or its hybrids, that would otherwise fall outside of legal limits.

B. The application for the permit may be accompanied by a fee in an amount determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing and enforcing the permit. The permit application shall be made on a standard form provided by the department and shall include the name, address, and phone number of the sponsoring organization or individual; the location and date of the tournament; total value of the prizes; and expected number of participants. The permit application shall be submitted to the department at least thirty days prior to the proposed event.

C. Permits are not transferable and shall clearly demonstrate the expiration date.

D. An employee of the department may be assigned as an observer and be present at any tournament.

E. As used herein, "large tournament" shall mean any tournament in which the number of qualified entries exceeds one hundred boats.

Acts 1997, No. 449, §1, eff. June 22, 1997.

§319. Exotic fish; importation, sale, and possession of certain exotic species prohibited; permit required; penalty

A. No person, firm, or corporation shall at any time possess, sell, or cause to be transported into this state by any other person, firm, or corporation, without first obtaining the written permission of the secretary of the Department of Wildlife and Fisheries, any of the following species of fish: freshwater electric eel (*Electrophorus* sp.); rudd (*Scardinius erythrophthalmus*); all members of the families *Synbranchidae* (Asian swamp eels); *Channidae* (snakeheads); *Clariidae* (walking catfishes); *Trichomycteridae* (pencil catfishes); all species of tilapia, and carp, except koi or common carp (*Cyprinus carpio*) and goldfish (*Carassius auratus*). Any fish which requires a permit under the provisions of this Subsection shall not be returned to the water if taken from state waters, and any such fish may be possessed only by properly permitted people or if the fish is dead.

B. All permits granted under the provisions hereof shall be on an annual basis except for permits issued for triploid grass carp possession and transportation for aquatic plant control. All requests for such permission shall indicate the source, number, and destination of the species named therein.

C. The provisions contained herein shall be enforced by the commission, and its decision in the granting or denial of the permission referred to herein shall be final.

D. No person shall have in possession or sell in this state a piranha or Rio Grande Cichlid; except that, piranha may be possessed and displayed at the Aquarium of the Americas, Audubon Institute, New Orleans, as authorized by a special permit issued by the department, under conditions the department deems necessary to prevent their introduction into waters of the state. Neither the permit nor the conditions and requirements thereof shall be required to be adopted pursuant to the provisions of the Administrative Procedure Act.

E. Violation of any of the provisions of this Section constitutes a class four violation.

Acts 1974, No. 223, §1. Amended by Acts 1981, No. 837, §3; Acts 1981, No. 838, §1; Acts 1982, No. 94, §1; Acts 1988, No. 939, §1, eff. July 26, 1988; Acts 1990, No. 695, §1, eff. July 20, 1990; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1995, No. 1142, §1; Acts 2003, No. 91, §1, eff. May 28, 2003.

§319.1. Control of importation of fish; department's regulatory authority

The department shall have the authority to regulate or prohibit, by rule in accordance with the Administrative Procedure Act, the possession, sale, or transportation of any fish into Louisiana.

Acts 1988, No. 614, §1, eff. July 14, 1988; Acts 1990, No. 196, §1.

§319.2. Designation and taking of exotic fish

The commission is authorized to designate as exotic a species of fish not indigenous to the state of Louisiana. The commission may promulgate rules under the provisions of the Administrative Procedure Act to authorize the taking of exotic fish from public waters in the state under specified licenses and by specified gear. The secretary may issue permits as authorized by the commission. Such permits shall be valid for one year and shall be subject to monitoring, review, and suspension or revocation by the secretary.

Acts 2004, No. 98, §1.

§320. Methods of taking freshwater or saltwater fish

A.(1) Freshwater and saltwater recreational fish may be taken by means of rod, fishing pole, hook and line, trolling line, handline, bait casting, fly casting apparatus, crawfish nets, by use of devices known as yo-yos or trigger devices, bow and arrow, recreational hoop nets, recreational wire nets, recreational slat traps, standard spearing equipment used by a skin diver sport fishing in saltwater or freshwater when submerged in the water, recreational pipes, recreational buckets, recreational drums, recreational tires, and recreational cans, and by no other means except a barbless spear or a multi-pronged barbed gig that may be used in saltwater for taking flounder. Recreational wire nets and recreational hoop nets authorized for use under the provisions of this Section shall be used only in the geographical areas of the state designated as freshwater under the provisions of R.S. 56:322.

(2) However, skin divers fishing for recreational purposes in fresh water, when submerged in the water and using standard spearing equipment, or any person using a bow and arrow, or any person using or possessing nets or traps, including recreational hoop nets, recreational slat traps, recreational pipes, recreational buckets, recreational drums, recreational tires, and recreational cans, may not take or possess any game fish as defined in R.S. 56:8 except red drum may be taken using a bow and arrow or by skin divers using standard spearing equipment fishing for recreational purposes while submerged in water.

(3) However, notwithstanding Paragraphs (1) and (2) of this Subsection, and any other provision of law to the contrary, bream of any species may be taken when fishing for sport in freshwater by using a minnow trap that does not exceed twenty-four inches in length and having a throat no larger than one inch by three inches for noncommercial bait purposes in any lake not wholly contained within this state which is in excess of one hundred thousand surface acres.

(4) *Repealed by Acts 1999, No. 5, §2.*

(5) *Repealed by Acts 2006, No. 111, §1.*

B.(1) Commercial finfish may be taken with pole, line, the device known as a yo-yo, the device known as a trigger device, handline, with any trotline wherein hooks are not less than twenty-four inches apart, approved slat traps, cans and minnow traps, with legal seines and nets, with bows and arrows, or by any skin diver in salt water or fresh water, when submerged in water and using standard spearing equipment, and by no other means except as provided in Subsection C of this Section. In the saltwater areas of the state as defined in R.S. 56:322(A) and (B), commercial finfish may be taken by means of rod and reel. However, eel may be taken for commercial purposes using eel pots and other legal gear as provided herein. Violation of this Paragraph constitutes a class three violation.

(2) *Repealed by Acts 1995, No. 543, §3.*

(3) Crabs or stone crabs may be taken with any legal crab trap, crab dropnet, trawl, skimmer net, butterfly net, hoop net, trotline, handline, bushline, dip net, or cast net. A dredge shall not be used for the intentional taking of crabs. Crab traps located in areas north of the northern bank of the Intracoastal Waterway and west of Louisiana Highway 70 and those areas located on the eastern side of the Mississippi River and inland from the saltwater line are not required to be marked with a float and float line, unless the trap is placed in a lake.

C.(1) No person shall take or possess fish taken by means of spears, poisons, stupefying substances or devices, explosives, guns, tree-topping devices, lead nets, except as provided in R.S. 56:329(B), electricity, or any instrument or device capable of producing an electric current used in shocking said fish; except a barbless spear or a multi-pronged barbed gig that may be used in salt water for taking flounder. No person shall take or possess game fish taken by means of snagging devices, not including bow and arrow. Catfish may be taken by means of snagging devices. Garfish may be taken by means of spears and bows and arrows. It shall be unlawful to possess any of the prohibited instruments, weapons, substances, or devices set out hereinabove with the intent to take fish in violation of the provisions of this Section.

(2) No person shall use or deploy within the state territorial waters bandit gear or longline gear. A person may possess bandit gear or longline gear aboard a vessel within state territorial waters so long as such gear is not in use or deployed to take fish. No person shall possess fish taken within the state territorial waters using bandit gear or longline gear.

D. The commission may provide by rule or regulation that no seines or gill nets authorized for use in taking fish from the waters of the state of Louisiana shall be left unattended, except as otherwise provided by this Title.

E. The commission may provide by rule and regulation for the taking of game fish with scuba gear, consistent with and in addition to other provisions of law as provided in this Section.

F. Each gill net or trammel net used to take freshwater commercial fish shall be marked with two waterproof tags with the name and license number of the fisherman legibly printed thereon, such tags to be placed at each end of the net. The secretary shall promulgate and adopt rules and regulations to establish a marking system for nets used in freshwater areas of the state sufficient to enable the department's agents to clearly identify unattended nets, as defined in R.S. 56:8, including the name and license number of the owner of such nets, and sufficient to enforce all laws relative to such nets. Violation of this Subsection constitutes a class three violation.

G. It shall be unlawful for any person to use or employ any aircraft including fixed wing aircraft, dirigibles, balloons, helicopters, or any other form of aerial surveillance in the airspace of this state to assist in the taking of finfish except in the fisheries of menhaden and herring-like fish as defined in Title 76, Section 311 of the Louisiana Administrative Code. Any aircraft, boat, or vessel and equipment utilized in the taking of finfish and any fish taken or possessed, except in the fisheries of menhaden and other herring-like fish, contrary to the provisions of this Subsection shall be subject to confiscation. Violation of this Subsection constitutes a class 5-A violation.

H. Violations of Subsection C of this Section and the taking of freshwater and saltwater gamefish by illegal methods shall constitute a class four violation.

I.(1) It shall be unlawful for any person to knowingly and intentionally use or employ any net to encircle a vessel or to otherwise knowingly and intentionally use or employ any vessel or fishing gear to interfere with the lawful fishing of another.

(2) It shall be unlawful for any person to knowingly and intentionally use or employ any vessel or recreational gear to interfere with the lawful commercial fishing of another.

(3) A violation of the provisions of this Subsection shall constitute a class two violation, R.S. 56:32.

Acts 1974, No. 36, §1; Acts 1974, No. 223, §1. Amended by Acts 1976, No. 79, §1; Acts 1979, No. 278, §1; Acts 1979, No. 547, §1; Acts 1982, No. 318, §1; Acts 1984, No. 323, §1; Acts 1984, No. 516, §1; Acts 1984, No. 706, §1, eff. Jan. 1, 1986; Acts 1986, No. 114, §1; Acts 1986, No. 904, §3; Acts 1988, No. 711, §1; Acts 1988, No. 36, §1; Acts 1990, No. 372, §1, eff. July 10, 1990; Acts 1990, No. 545, §1; Acts 1990, No. 794, §1; Acts 1991, No. 270, §1; Acts 1991, No. 698, §1; Acts 1991, No. 859, §1; Acts 1991, No. 886, §1; Acts 1992, No. 50, §1; Acts 1992, No. 52, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1993, No. 62, §1; Acts 1995, No. 362, §1; Acts 1995, No. 543, §§2, 3; Acts 1995, No. 956, §1; Acts 1995, No. 1316, §2; Acts 1997, No. 1181, §1; Acts 1999, No. 5, §§1, 2; Acts 1999, No. 1170, §1; Acts 2001, No. 30, §1, eff. May 24, 2001; Acts 2001, No. 149, §1; Acts 2004, No. 240, §1; Acts 2004, No. 460, §1; Acts 2004, No. 825, §1; Acts 2005, No. 371, §1; Acts 2006, No. 111, §1; Acts 2007, No. 296, §1; Acts 2008, No. 23, §1, eff. July 1, 2008; Acts 2008, No. 220, §12, eff. June 14, 2008; Acts 2010, No. 223, §1; Acts 2010, No. 746, §1.

§320.1. Use and possession of certain gill nets, trammel nets, strike nets, or seines; prohibited

A. No person shall use, possess, or have in his possession, or have aboard any vessel, a gill net, trammel net, strike net, or seine in the saltwater areas of the state as defined in R.S. 56:322(A) and (B), except as provided in R.S. 56:318 and 320.2.

B. A violation of the provisions of this Section shall constitute a class six violation.

Acts 1995, No. 1316, §2.

§320.2. Federal exclusive economic zone (EEZ)

A. The possession of gill nets, trammel nets, strike nets, or seines on or aboard any vessel in the saltwater areas of the state is prohibited unless the captain or owner of the vessel has in his immediate possession upon the vessel a permit issued by the department under R.S. 56:305.5(B).

B. While traversing state waters going to and from the waters of the federal exclusive economic zone (EEZ), all gill nets, trammel nets, strike nets, or seines shall remain on board the vessel and shall not be used while in state waters.

C. All vessels fishing in the federal exclusive economic zone (EEZ) shall comply with all applicable federal law and regulations.

D.(1) A violation of this Section shall constitute a class six violation. In addition to any penalty imposed under this Section, any state permit issued under the provisions of R.S. 56:305.5(B) shall be immediately suspended upon a conviction for violation of this Section.

(2) No person who has had his permit suspended under this Section shall reapply for a new permit or be issued a new permit.

E. The commission shall promulgate rules and regulations as may be necessary to effectuate the provisions of this Section.

Acts 1995, No. 1316, §2.

§321. Elevated trotlines prohibited; civil liability

A. No person shall set, maintain, take, or attempt to take fish from any trotline of which any segment of the staging line measures in excess of four feet where any portion of any hook extends above the surface of the waters of any of the bodies of waters within the state of Louisiana. However, this Section shall not apply to White Lake in Vermilion Parish and Grand Lake and Lake Misere in Cameron Parish. Any violation of the provisions of this Section shall constitute a class two violation, R.S. 56:32.

B. Such action shall be considered prima facie evidence of negligence in a civil action for damages suffered by another as a result thereof.

Acts 1974, No. 223, §1; Acts 1992, No. 854, §1; Acts 1993, No. 843, §1.

§322. Seines or nets; size of mesh; classification as to salt or fresh water; crawfish traps

A. The legislature recognizes the historic division of the state into saltwater and freshwater areas. The legislature also recognizes that this division is based in large measure on the variations of flora and fauna found within these two divisions. The legislature further recognizes that an exact line of demarcation is insusceptible of precise location by reason of the changes in water salinity caused by winds, tides, and rains. It is, therefore, the intention of the legislature that the following described boundary line easterly from the Texas state line to the Mississippi state line shall be used in dividing the state into predominantly saltwater and predominantly freshwater areas: The Intracoastal Waterway from the Texas-Louisiana boundary to its junction with Louisiana Highway 27 at Gibbstown, and then south to Louisiana Highway 82 and then east to its junction with the Intracoastal Waterway at Forked Island, the Intracoastal Waterway from Forked Island to Bayou Barataria to the Harvey Canal, the Harvey Canal to the Mississippi River, the Mississippi River to the Industrial Canal, the Industrial Canal to the Intracoastal Waterway, the Intracoastal Waterway to the Rigolets in Orleans Parish to the Louisville and Nashville railroad bridge, the Louisville and Nashville railroad right-of-way from the Orleans Parish line to the Mississippi state line.

B. The areas south of the above-described boundary line, plus the saltwater lakes known as Lake Maurepas; Lake Pontchartrain; Lake St. Catherine; Chef Menteur Pass, except that seven-tenths of a mile section from Bayou Sauvage south to the Intracoastal Waterway; the Rigolets; Unknown Pass; Pass Manchac; and that portion of the Calcasieu Ship Channel from the Intracoastal Waterway south to the Gulf of Mexico, shall be designated as saltwater areas.

C. The following provisions shall apply to saltwater areas:

(1) Hoop nets. For the taking of commercial fish, a person may have in possession or in use hoop nets with a mesh of not less than one inch square or two inches stretched after treating with tar or copper.

(2)-(4) *Repealed by Acts 1995, No. 1316, §3.*

(5) Monofilament, multifilament, or other materials.

(a) Except as provided in Subparagraph (b) of this Paragraph, the use and possession of trammel nets, gill nets, and seines constructed of monofilament, multifilament, or other materials is prohibited, except as provided in R.S. 56:318 and 320.2.

(b) The nets defined in R.S. 56:8 ("Mullet strike net" and "Pompano strike net") are not prohibited, but shall not be constructed of monofilament.

(6) Purse seines.

(a) The use of purse seines for the taking of finfish, other than menhaden and herring-like species, shall be prohibited in inside waters as delineated by R.S. 56:495.

(b) The use of purse seines for the taking of finfish, other than menhaden and herring-like species, shall be prohibited in outside waters as delineated by R.S. 56:495.

(c) Except as provided in R.S. 56:324, possession of red drum or spotted sea trout on board any vessel on which a purse seine is also on board, within or without the waters of Louisiana, is prohibited. Any agent who finds a vessel with such fish and equipment on board shall seize the vessel, fish, and equipment. Whoever violates the provisions of this Paragraph shall be fined eight hundred and fifty dollars per each hundredweight of red drum or spotted sea trout which are confiscated and shall forfeit each purse seine found on board at the time of confiscation.

(7) Unattended nets. No nets or beam trawls used for taking fish or shrimp from the saltwater areas of the state shall be left unattended as defined in R.S. 56:8, except such legal nets or trawls which are attached to a wharf at a camp and which are tagged with a department tag issued in conjunction with the gear being used. Any net or beam trawl which is seized for a violation of this Paragraph shall be considered abandoned. Hoop nets, without leads, may be left unattended in the saltwater areas of the state for the sole purpose of taking legal commercial catfish species.

(8) *Repealed by Acts 1995, No. 1316, §3.*

D. Except as otherwise provided in Subsection B herein, the areas north of the above described boundary line shall be designated as freshwater areas.

E. The following provisions shall apply in freshwater areas:

(1) Hoop nets. For the taking of commercial fish a person may have in possession or in use hoop nets with a mesh of not less than one inch square or two inches stretched after treating with tar or copper; however, a person may have in possession or in use hoop nets with a mesh of not less than two inches square or four inches stretched after treating with tar or copper for the taking of commercial fish from a freshwater lake located wholly within a parish of over two hundred thousand population lying west of the Mississippi River.

(2) Seines. For the taking of commercial fish a person may have in possession or use seines with a minimum mesh of not less than two inches square or four inches stretched after treating with tar or copper, except as provided for in R.S. 56:322.1. No seine in use shall exceed one thousand two hundred feet in length.

(3) Trammel nets. For the taking of commercial fish a person may have in possession or in use trammel nets with a minimum mesh of not less than three inches square or six inches stretched, after treating with tar or copper. No trammel net in use shall exceed one thousand two hundred feet in length.

(4) Gill nets. For the taking of commercial fish a person may have in possession or in use gill nets with a minimum mesh of not less than three inches square or six inches stretched after treating with tar or copper, except as provided by R.S. 56:322.2. No gill net in use shall exceed one thousand two hundred feet in length.

(5) Wire nets. A person may have in his possession or in use only those wire nets with a mesh no less than one inch square or two inches stretched.

F. Notwithstanding any other provision of law to the contrary, the waters of the Intracoastal Waterway in Orleans Parish from the overhead power lines at the Interharbor Navigation Canal east to the Rigolets shall be considered both salt and fresh water for the purposes of authorizing the taking or possessing fish or the use or possession of gear. Commercial fishing operations in these waters shall not interfere with normal commercial traffic.

G. *Repealed by Acts 1986, No. 904, §4.*

H. The provisions of this Section shall not apply to shrimp or menhaden fishing, and nothing contained herein is intended or shall be construed to repeal, amend, or otherwise modify the provisions of law applicable to shrimp or menhaden fishing.

I. The minimum mesh size for traps used to harvest wild crawfish for commercial purposes shall be a hexagon of three-quarters by eleven-sixteenths of one inch. This measurement shall be from wire to wire, and any coating on the wire shall not be considered in computing the measurements. Crawfish may be taken commercially with approved crawfish traps. The openings of the flues and throats on crawfish traps shall not exceed two inches. Any administrative rule may be promulgated to implement the provisions of this Subsection and shall be promulgated in accordance with the

Administrative Procedure Act and shall be subject to oversight by the House and Senate natural resources committees.

J. Violation of any of the provisions of this Section, except for Paragraphs (C)(5), (6), and (7), constitutes a class four violation. Violation of any of the provisions of Paragraph (C)(5), (6), or (7) of this Section constitutes a class five violation.

Acts 1991, No. 868, §1; Acts 1991, No. 886, §1; Acts 1992, No. 49, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1995, No. 543, §2; Acts 1995, No. 583, §1; Acts 1995, No. 1080, §2; Acts 1995, No. 1316, §§2, 3; Acts 1997, No. 144, §1; Acts 1997, No. 267, §1, eff. June 17, 1997; Acts 1997, No. 1181, §1; Acts 1999, No. 423, §1; Acts 2001, No. 51, §1; Acts 2001, No. 333, §1; Acts 2001, No. 548, §1; Acts 2003, No. 274, §1; Acts 2003, No. 379, §1; Acts 2003, No. 1286, §1, eff. July 15, 2003; Acts 2004, No. 97, §1, eff. Nov. 15, 2004; Acts 2005, No. 226, §1; Acts 2010, No. 746, §1.

§322.1. Shad seine; commercial harvest of shad and skipjack herring

A. A commercial fisherman licensed in accordance with R.S. 56:303 and 305(B)(16) may take shad, skipjack, and any other freshwater commercial fish of legal size with a shad seine in accordance with this Section.

B. Only shad (*Dorosoma sp.*), skipjack herring (*Alosa chryochloris*), hereafter in this Section referred to as skipjack, and any other legal-sized freshwater commercial fish may be taken with a shad seine; all other fish shall be immediately returned to waters from which they were caught. All fish on board the vessel shall have the head and caudal fin intact.

C.(1) A shad seine shall be a seine with a mesh size not less than one-inch bar and two inches stretched and not more than two-inch bar and four inches stretched. A shad seine may not be constructed of monofilament.

(2) Each shad seine shall have affixed to each end a one-gallon jug, painted international orange and marked in black lettering the words "Shad Seine", and waterproof tags with the name and license number of the fisherman in accordance with R.S. 56:320(F).

D. *Repealed by Acts 2008, No. 24, §2.*

E. Only strike fishing is authorized by this Section.

F. The following acts are prohibited:

(1) The use of more than one shad seine by a licensee.

(2) The use of more than one seine per vessel.

(3) The use of a shad seine by more than two vessels at one time.

(4) The use of a shad seine in a manner that unduly restricts navigation of other vessels or interferes with commercial shipping.

(5) Leaving a shad seine unattended or not actively fishing it while it is in the water.

G. A shad seine may only be fished in the freshwater areas of the state, but it shall not be used in the bodies of water where seine use is prohibited nor the Pearl River or the Pearl River navigational canal.

H. There shall be no daily take or possession limit for the commercial harvest of shad and skipjack taken under the provisions of this Section by properly licensed shad seine commercial fishermen.

I. Violation of any of the provisions of this Section, except for Paragraph (F)(4) and Subsection G, constitutes a class four violation. Violation of Paragraph (F)(4) constitutes a class three violation. Violation of Subsection G constitutes a class two violation.

Acts 2003, No. 274, §1; Acts 2004, No. 86, §1, eff. May 28, 2004; Acts 2008, No. 24, §§1, 2.

§322.2. Shad gill nets; commercial harvest of shad and skipjack herring

A. A commercial fisherman licensed in accordance with R.S. 56:303 and 305(B)(4)(f) may take shad and skipjack with a shad gill net in Lake Palourde, Lake Verret, Lac Des Allemands, all of the waterways in Iberville Parish, and those portions of the parishes of Iberia, St. Martin, and St. Mary located between the guide levees of the Atchafalaya Basin but is specifically not authorized to do so in the streams, bayous, canals, and other water bodies connected with the specified lakes.

B. Shad gill nets shall be used only to take shad (*Dorosoma* sp) and skipjack herring (*Alosa chryochloris*), hereafter in this Section referred to as skipjack. However, a commercial fisherman may keep other commercial fish species up to a maximum of twenty-five fish. All fish on board the vessel shall have the head and caudal fin intact.

C.(1) A shad gill net shall be a gill net with a mesh size not less than one-inch bar and two inches stretched and not more than two-inch bar and four inches stretched.

(2) Each shad gill net shall have affixed to each end a one- gallon jug, painted international orange and marked in black lettering the words "Shad Gill Net", and waterproof tags with the name and license number of the fisherman in accordance with R.S. 56:320(F).

(3) Each shad gill net shall be placed at least fifty feet from the tree line.

D.(1) The closed season for commercially harvesting shad and skipjack as provided for in this Section shall include the months of July, August, September, and October of each year. Shad and skipjack may be taken after sunset and before sunrise during open season. However, there shall be no commercial taking of shad or skipjack on any Saturday or Sunday.

(2) During the open season, there shall be no daily take or possession limit for the commercial harvest of shad and skipjack by properly licensed shad gill net commercial fishermen.

E. Only strike fishing is authorized by this Section. Once deployed, the shad gill net shall remain stationary until fish are being removed from the net or the net is being retrieved from the water.

F. The following acts are prohibited:

- (1) The use of more than one shad gill net by a licensee.
- (2) The use of more than one gill net per vessel.
- (3) The use of a shad gill net by more than two vessels at one time.
- (4) The use of a shad gill net in a manner that unduly restricts navigation of other vessels.
- (5) Leaving a shad gill net unattended or not actively fishing it while it is in the water.

G. *Repealed by Acts 2010, No. 589, §2.*

H. Violation of any of the provisions of this Section, except for Paragraphs (C)(2) and (F)(4), constitutes a class four violation. Violation of Paragraph (C)(2) or (F)(4) constitutes a class three violation.

I. *Repealed by Acts 2010, No. 589, §2.*

Acts 2003, No. 379, §1; Acts 2004, No. 825, §1; Acts 2006, No. 419, §1; Acts 2008, No. 24, §1; Acts 2010, No. 589, §§1, 2.

§323. Bait; methods of taking

A. Minnows, crawfish, shrimp, and other legal bait species, not including game fish, may be taken with legal cast nets, minnow traps, dip nets, and bait seines when taken in compliance with all other laws. Freshwater shrimp may also be taken in accordance with R.S. 56:501.

B. Notwithstanding the mesh restrictions in R.S. 56:322, legal bait species may be taken with bait seines with a maximum mesh size not exceeding one-quarter inch mesh bar, one-half inch mesh stretched, and thirty feet in length. Bait seines must be operated only on foot and solely by hand, without any mechanical device, pulley, or mechanical assistance whatsoever. No person shall take or possess saltwater bait shrimp in excess of the possession limit contained in R.S. 56:500(B).

C. Dip nets may not exceed three feet in diameter and must be operated solely by hand, by no more than one person, and without any mechanical assistance whatsoever. No person shall take or possess saltwater bait shrimp in excess of the possession limit contained in R.S. 56:500(B).

D. A violation of any provision of this Section shall constitute a class four violation, R.S. 56:34.

Acts 1974, No. 223, §1. Amended by Acts 1975, No. 245, §1; Acts 1986, No. 904, §3; Acts 1995, No. 1080, §1; Acts 2004, No. 126, §1, eff. Nov. 15, 2004; Acts 2004, No. 161, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§324. Menhaden seines; restrictions

Anyone legally taking menhaden shall not have in their possession more than five percent, by weight, of any species of fish other than menhaden and herring-like species.

Added by Acts 1979, No. 593, §1. Amended by Acts 1981, No. 838, §1; Acts 1986, No. 904, §3.

NOTE: *See Acts 1986, No. 904, §5.*

§325. Daily take, possession, and size limits; freshwater recreational fish

A. No person shall take in any one day more than the following of each species of fish, of the designated size where specified:

- (1) Black bass (*Micropterus* spp.), or their hybrids--fifteen.
- (2) White bass (*Morone chrysops*), also locally called barfish--fifty.
- (3) Yellow bass (*Morone mississippiensis*)--fifty.

(4) Striped bass (*Morone saxatilis*), or their hybrids, in particular hybrid striped bass (white bass x striped bass), or any combination thereof--five, of which not more than two may exceed thirty inches total length.

(5) Crappie (*Pomoxis* spp.), or their hybrids, also locally called white perch or sac-a-lait--fifty.

(6) Buffalo fish (*Ictiobus* spp.), or their hybrids - minimum size sixteen inches total length - twenty-five.

(7) Freshwater drum (*Aplodinotus grunniens*), also locally called gaspergou - minimum size twelve inches total length - twenty-five.

(8) Blue catfish (*Ictalurus furcatus*) - minimum size twelve inches total length.

(9) Channel catfish (*Ictalurus punctatus*) - minimum size eleven inches total length.

(10) Flathead catfish (*Pylodictis olivaris*), also locally called spotted catfish, yellow catfish, or opelousas cat - minimum size fourteen inches total length.

(11)(a) Except as provided in Subparagraph (b) of this Paragraph, the maximum possession limit for catfish caught on a recreational license shall be one hundred. The one hundred fish possessed

may be a single species or any combination of blue, channel, or flathead catfish. In addition, a recreational fisherman shall be allowed a daily possession limit of twenty-five undersize catfish, either a single species or any combination of blue, channel, or flathead catfish.

(b) From July 1, 2004 through June 30, 2008, the maximum possession limit for catfish caught in Toledo Bend Reservoir on a recreational license shall be one hundred twenty-five fish which may be any combination of species of catfish. In addition, a recreational fisherman on Toledo Bend Reservoir shall be allowed a daily possession limit of fifty undersize catfish which may be any combination of species of catfish.

(12) Shad (*Dorosoma* spp.) - maximum allowance of fifty pounds.

(13) Crawfish - one hundred fifty pounds.

B. No person shall have in his possession more than twice the number of fish specified in any paragraph of Subsection A, except those specified in Paragraph (11). No person shall possess in excess of the limits specified in Paragraph (11) of Subsection A.

C. Notwithstanding any other provision of law to the contrary, the commission may amend by rule, in accordance with the Administrative Procedure Act, size limits, daily take limits, possession limits, seasons, and times set by law for freshwater recreational fish. Such limits, seasons, and times may vary between and among waterbodies based on biological data or for purposes of research or experimentation.

D. Violation of any of the provisions of this Section constitutes a class two violation.

Acts 1974, No. 223, §1. Amended by Acts 1974, No. 510, §1; Acts 1978, No. 448, §1; Acts 1980, No. 604, §1; Acts 1982, No. 313, §1; Acts 1988, No. 86, §1; Acts 1989, No. 487, §1, eff. July 1, 1989; Acts 1989, No. 488, §1, eff. July 1, 1989; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1998, 1st Ex. Sess., No. 155, §1, eff. May 7, 1998; Acts 1999, No. 155, §1; Acts 2004, No. 237, §1, eff. June 15, 2004; Acts 2008, No. 23, §1, eff. July 1, 2008.

§325.1. Size and possession limits, recreational saltwater finfish; penalties

A.(1) The Wildlife and Fisheries Commission may set by rule, in accordance with the Administrative Procedure Act, daily take, and possession, and size limits for saltwater finfish caught recreationally in Louisiana territorial waters, based on biological and technical data. Aquaculturally raised fish, as defined in R.S. 56:356, shall be exempt from the provisions of this Section.

(2) With respect to red drum, southern flounder, and spotted sea trout specifically, and until such time as the commission establishes daily take and possession limits for these species in accordance with the Administrative Procedure Act, the following shall be the legal take, daily bag, and possession limits:

(a) Red drum -- five fish daily.

(b) Spotted sea trout -- twenty-five fish daily.

(c) Southern flounder -- ten fish for each consecutive day on the water.

(3) A recreational saltwater fisherman in possession of a valid basic and saltwater license may possess twice the daily bag limit of red drum and spotted sea trout; however, no person shall be in possession of over the daily bag limit while fishing or while on the water, unless such recreational saltwater fisherman is aboard a trawler engaged in commercial fishing for a consecutive period of longer than twenty-five hours.

B. No saltwater sport fisherman shall take or possess at any one time in the Louisiana territorial waters extending to the outermost boundary limit of the Federal Exclusive Economic Zone any red drum, southern flounder, or spotted sea trout under the prescribed minimum size nor over the maximum prescribed size and daily bag limit. Any red drum, southern flounder, or spotted sea trout

under the minimum prescribed size or over the maximum prescribed size and daily bag limit shall be returned immediately to the waters from which taken without avoidable injury. Until such time as the commission establishes legal size, daily bag and possession limits for the red drum, southern flounder, and spotted sea trout in accordance with the Administrative Procedure Act, the following are the legal size, daily bag and possession limits for red drum, southern flounder, and spotted sea trout:

(1) The minimum size for red drum is sixteen inches in total length when measured with the mouth closed.

(2) The maximum size for red drum is twenty-seven inches in total length when measured with the mouth closed. However, no person shall have in possession while fishing, or while on the water, more than one red drum which, when whole, is or was over the prescribed maximum size of twenty-seven inches total length overall when measured with the mouth closed. Additionally, no person shall have in his possession at any one time more than two red drum or parts of more than two red drum, which, when whole, are or were over the prescribed maximum size of twenty-seven inches total length overall when measured with the mouth closed.

(3) The minimum size for spotted sea trout is twelve inches total length when measured with the mouth closed.

C.(1) Violation of this Section constitutes a class two violation. However, if the take or possession limit as provided in Paragraph A(2)(a) or (b) or (3) or any such take or possession limit set by the commission is exceeded by one hundred percent or more the violation shall be a class four violation.

(2) In addition to the penalties provided in Paragraph (1) of this Subsection, the following penalties shall apply:

(a) Violation of Paragraph A(2)(a) or (3) for red drum or Paragraph B(1) shall be punishable by a fine of twenty-five dollars per fish under sixteen inches in total length or over the limit of five, or in violation of such minimum size and take and possession limits as may be established by the commission.

(b) Violation of Paragraph B(2) shall be punishable by a fine of one hundred fifty dollars per fish exceeding twenty-seven inches in total length or such maximum size limit as may be established by the commission.

(c) Violation of Paragraph A(2)(b) or (3) for spotted sea trout or Paragraph B(3) shall be punishable by a fine of twenty-five dollars per fish under twelve inches in total length or over the limit of twenty-five or in violation of such minimum size and take and possession limits as may be established by the commission.

(d) Any violation of Subsection A or B shall, in addition to any applicable fines, also be punishable by revocation of any and all fishing licenses held by the violator for the period for which they were issued. The violator shall also be prohibited from obtaining any new fishing license for a period of not less than one year nor more than three years thereafter.

(e) The fines collected from the penalties imposed under the provisions of Paragraph C(2) shall be collected by the court of competent jurisdiction and remitted to the state treasury to be deposited to the credit of the conservation fund of the Department of Wildlife and Fisheries.

Added by Acts 1977, No. 653, §3, eff. April 1, 1978. Amended by Acts 1981, No. 837, §3; Acts 1984, No. 278, §1; Acts 1986, No. 613, §1; Acts 1987, No. 383, §1; Acts 1988, No. 889, §1, eff. July 21, 1988; Acts 1990, No. 55, §1; Acts 1990, No. 434, §1; Acts 1991, No. 157, §1, eff. July 2, 1991; Acts 1992, No. 855, §1; Acts 1997, No. 1352, §1.

§325.2. Saltwater recreational fish; total length

A. All saltwater finfish, except swordfish possessed by a recreational fisherman, shall have the head and caudal fin intact until set or put on shore. Swordfish and sharks possessed by a recreational fisherman shall not be skinned until set or put on shore. Tuna shall retain the caudal fin intact until set or put on shore and those species of tuna which have minimum size restrictions may have the head removed as long as the carcass length without the head exceeds the minimum size requirement. All saltwater finfish shall be measured in accordance with applicable law. Any garfish caught or possessed by a recreational fisherman in the saltwater areas of the state may have the head and caudal fin removed but, until the fish is set or put on shore, it shall retain a strip of skin sufficient to clearly identify the fish.

B. For the purpose of consumption at sea aboard the harvesting vessel, a person shall have no more than two pounds of finfish parts per person on board the vessel, provided that the vessel is equipped to cook such finfish and such finfish does not exceed applicable bag limits.

C. The provisions of this Section shall not apply to bait species.

D. Violation of any of the provisions of this Section constitutes a class three violation.

Acts 1987, No. 383, §1; Acts 1988, No. 35, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1999, No. 700, §1; Acts 2001, No. 150, §1; Acts 2010, No. 293, §1.

§325.3. Spotted sea trout commercial taking; annual quota; red drum commercial taking, possession, or landing prohibited

A.(1) The commission shall establish a maximum annual quota for the commercial harvest of spotted sea trout taken within Louisiana waters or landed in Louisiana which shall not exceed one million pounds nor shall it be less than five hundred thousand pounds. The commercial taking or harvesting of spotted sea trout shall be prohibited within Louisiana waters west of Mermentau River. The Louisiana Wildlife and Fisheries Commission shall establish an open season for the commercial harvest of spotted sea trout which shall run from the second day of January each year until the maximum annual quota is reached. The commercial harvest or taking of spotted sea trout is prohibited during the period from sunset on Friday through sunrise on Monday, and there shall be no possession of spotted sea trout in excess of the recreational limit during the period between 10:00 p.m. and 5:00 a.m. However, when not on a commercial fishing trip, a person holding a permit for the commercial taking or possessing of spotted sea trout may take or possess an amount not to exceed the legal recreational limit of spotted sea trout between the hours of 10:00 p.m. and 5:00 a.m. during the open season and at any time during the closed season if that person also possesses a basic recreational fishing license and a saltwater fishing license. Only a rod and reel shall be used for the commercial harvest of spotted sea trout. The provisions of this Section are subject to quotas and size limits as established by law and rules and regulations of the commission. Fish taken under recreational licenses shall not be sold, bartered, traded, or exchanged.

(2) The department shall monitor catch statistics for spotted sea trout and shall notify the commission when it is determined that the quota has been reached or is projected to be reached. When the quota has been reached or is projected to be reached, the commission shall by public notice close the spotted sea trout fishery to all commercial fishing in Louisiana waters. The closure shall not take effect for at least seventy-two hours after notice to the public. The closure and notice of closure shall provide that the purchase, barter, trade, or sale of spotted sea trout taken from Louisiana waters after the closure is prohibited. The closure and notice of closure shall also provide that the commercial taking or landing of spotted sea trout in Louisiana, whether caught within or without the territorial waters of Louisiana, after the closure is prohibited. The closure and notice of closure shall, in addition, provide that no vessel possessing or fishing any seine net, gill net,

trammel net, or hoop net shall have a spotted sea trout aboard the vessel, whether caught within or without the waters of the state.

(3) Nothing in this Section shall be deemed to prohibit the possession of fish legally taken prior to the closure order.

B. The commercial taking or landing of red drum in Louisiana is prohibited. No vessel possessing or fishing any seine net, gill net, trammel net, or hoop net shall have a red drum aboard the vessel, whether caught within or without the waters of the state. Violation of the provisions of this Subsection constitutes a class 5-B violation. Aquaculturally raised fish, as defined by R.S. 56:356, shall be exempt from the provisions of this Section.

C. The commercial taking or sale by a commercial fisherman of spotted sea trout is prohibited except by special permit issued by the Department of Wildlife and Fisheries at a cost of one hundred dollars for residents of this state and four hundred dollars for those who are nonresidents. No person shall purchase spotted sea trout from any commercial fisherman who does not possess a spotted sea trout permit. No person shall qualify for a charter boat fishing guide license and a spotted sea trout permit during the same licensure period.

D.(1) No person shall be issued a license or permit for the commercial taking of spotted sea trout unless that person meets all of the following requirements:

(a) The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

(b) The person shall provide copies of unamended, original income tax returns, including Schedule C from the federal form 1040, which show that the person derived more than fifty percent of his earned income from the capture and sale of seafood species in any two of the years 1995, 1994, and 1993.

(c) The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

(2) The commission shall adopt rules and regulations for the entry of commercial fishermen into the commercial spotted sea trout fishery. Such rules shall include the provisions of Paragraph (1) of this Subsection as minimum requirements.

E. The department shall not issue nor shall any person receive more than one permit or license to commercially take spotted sea trout.

F.(1) Violation of any provision of this Section, except Subsection B, or of any Wildlife and Fisheries Commission regulation pertaining to spotted sea trout fishery, shall constitute a Class 6 violation. The offender shall also be penalized as follows:

(a) For a first offense, the offender shall forfeit any spotted sea trout permit or commercial fisherman's license issued to him and shall be barred from obtaining a spotted sea trout permit or a commercial fisherman's license for the remainder of the period for which it was issued plus one year, during which the offender shall be barred from participating in any spotted sea trout fishery.

(b) For a second offense, the offender shall forfeit any spotted sea trout permit or commercial fisherman's license issued to him and shall be barred from obtaining a spotted sea trout permit or a commercial fisherman's license for the remainder of the period for which it was issued plus two years, during which the offender shall be barred from participating in any spotted sea trout fishery.

(c) For a third offense, the offender shall forfeit any spotted sea trout permit or commercial fisherman's license issued to him and shall be forever barred from obtaining a spotted sea trout permit or a commercial fisherman's license and from participating in the spotted sea trout fishery.

(2) Any person who participates in the spotted sea trout fishery while barred shall be penalized under the provisions of a Class 7-B violation.

Acts 1987, No. 382, §1; Acts 1988, No. 889, eff. July 21, 1988; Acts 1991, No. 157, §1, eff. July 2, 1991; Acts 1995, No. 1316, §2; Acts 1997, No. 527, §1, eff. July 3, 1997; Acts 1997, No. 1413, §1, eff. July 15, 1997; Acts 2001, No. 271, §1; Acts 2003, No. 1164, §1; Acts 2004, No. 96, §1; Acts 2010, No. 979, §1.

§325.4. Commercial taking of other saltwater finfish; exceptions; mesh size

A. During the 1995-1996 and the 1996-1997 season for taking mullet and the two seasons for taking spotted sea trout as defined in R.S. 56:325.3(C), all other species of saltwater finfish, including but not limited to black drum, sheepshead, and flounder, may be taken using a pompano strike net, as defined in R.S.56:8. This gear license and the use of this gear for taking these species shall be prohibited after March 1, 1997. There shall be no commercial taking of finfish pursuant to the provisions of this Section during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. There shall be no fishing pursuant to the provisions of this Section during the hours after sunset and before sunrise. The provisions of this Section are subject to quotas and size limits as established by law and rules and regulations of the commission.

B.(1) No person shall be issued a license or permit for the commercial taking of underutilized species unless that person meets all of the following requirements:

(a) The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

(b) The person shall provide copies of unamended, original income tax returns, including Schedule C from the federal form 1040, which show that the person derived more than fifty percent of his earned income from the capture and sale of seafood species in any two of the years 1995, 1994, and 1993.

(c) The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

(2) The commission shall adopt rules and regulations for the entry of commercial fishermen into the commercial fishery for these species: black drum (also known as puppy drum), sheepshead, and flounder. Such rules shall include the provisions of Paragraph (1) of this Subsection as minimum requirements.

(3) The commercial taking of black drum (also known as puppy drum), sheepshead, and flounder during the season by using a pompano strike net in excess of one thousand two hundred feet in length or by using more than one strike net from any vessel at any time is prohibited.

(4) Each pompano strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take black drum (also known as puppy drum), sheepshead, and flounder. The department shall not issue any tag to a person who does not have a social security number.

C. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take these species and shall be forever barred from receiving any permit or license to commercially take these species. Any person who, after having been barred from the commercial taking of these species of fish pursuant to this Subsection, violates any provision of this Section shall be penalized under the provisions of a Class 7-B violation, R.S. 56:37.

D.(1) The commission shall monitor and evaluate the condition of the black drum, sheepshead, and flounder species in Louisiana waters. A peer reviewed report of the findings of the evaluation

shall be submitted every five years to the legislature no later than March first of each year. The report shall contain the following information for each species:

- (a) The spawning potential ratio.
- (b) A biological condition and profile of the species and stock assessment.

(2) If data indicate that the spawning potential ratio is below thirty percent, the department shall, within two weeks after such finding is confirmed, close the season for a period of at least one year, or shall provide, for the commission's consideration, management options derived from data that indicate that the spawning potential ratio is estimated to have at least a fifty percent chance of recovery to a thirty percent ratio within ten years or some other appropriate recovery period based on the biology of the stock of the fish, environmental conditions, and the needs of the fishing communities.

Acts 1995, No. 1316, §2; Acts 1997, No. 527, §1, eff. July 3, 1997; Acts 1997, No. 1413, §1, eff. July 15, 1997; Acts 2008, No. 38, §1; Acts 2010, No. 607, §1.

§325.5. *Repealed by Acts 1989, No. 488, §2, eff. July 1, 1989.*

§325.6. Bait gulf menhaden; annual quota after regular closed season

A. The Louisiana Legislature finds and declares there is great financial hardship imposed upon Louisiana crawfish, blue crab, and catfish fishermen because of insufficient supplies of bait during the winter season. This insufficiency compels Louisiana fishermen to purchase bait menhaden and other less effective baits at greatly increased costs from other sources outside the state. In order to assist these fishermen, the legislature hereby extends the regular bait gulf menhaden season by adding a quota of bait gulf menhaden to be taken during the closed season.

B. The maximum quota for the commercial harvest of bait gulf menhaden, to be used for bait only, taken within Louisiana waters or landed in Louisiana is established at three thousand metric tons, regardless of the harvesting method used, after the close of the regular menhaden season until December first. If the quota has not been reached by December first, then, beginning on April first of the following year, bait gulf menhaden may be taken until the department determines that the quota has been met. Any menhaden taken pursuant to this Section shall be sold only for use as bait.

C. The department shall monitor catch statistics for bait gulf menhaden and shall notify the commission when it is determined that the quota has been reached or is projected to be reached. When the quota has been reached or is projected to be reached, the commission shall by public notice close the bait menhaden season and fisheries to all commercial fishing in Louisiana waters. The closure shall not take effect until at least seventy-two hours after notice to the public. The closure and notice of closure shall provide that the commercial taking or landing of bait gulf menhaden in Louisiana, whether caught within or without the territorial waters of Louisiana, after the closure, is prohibited. The closure and notice of closure shall, in addition, provide that no vessel possessing or fishing with any seine, gill net, trammel net, or hoop net shall have bait gulf menhaden aboard the vessel, whether caught within or without the waters of the state. Nothing in this Section shall be deemed to prohibit the possession of fish legally taken prior to the closure order.

D. The provisions of this Section shall apply to outside waters only.

E. Violation of the provisions of this Section constitutes a class 5(B) violation.

F. The secretary shall grant special permits for the taking of menhaden during the special bait season. Each individual or company receiving such a permit shall reimburse the department for all expenses incurred in the placement of an observer on each boat participating in the special bait season. All menhaden caught during this season will be sold for bait.

Acts 1989, No. 414, §1.

§326. Size and possession limits; commercial fish

A. The following are the legal size limits on commercial fish. No person shall take or possess these fish under or over the prescribed sizes for commercial purposes. Fish of the prescribed legal size may be taken, had in possession, or sold in unlimited quantities, provided there is compliance with all other requirements of the law. Any commercial fish under the minimum prescribed size or over the maximum prescribed size shall be returned immediately to the waters from which taken without avoidable injury. No person shall sell, purchase, barter, trade, or exchange, or attempt to sell, purchase, barter, trade, or exchange, any commercial species under the minimum prescribed size or over a maximum prescribed size or creel limit. Any commercial species upon which there is no specific size limit may be taken in any size or quantity. Notwithstanding any other provisions stated above, commercial fish under the legal size may be taken from privately owned ponds, impoundments, or waters by the owner thereof or his authorized representative and may be sold to other persons for purposes of stocking private waters, ponds, or impoundments.

(1) Hardshell crabs -- 5 inches in width as measured from point to point of the upper shell, except when held for processing as soft crabs or sold to a processor for the making of crabs. Violation of this provision constitutes a class 3 violation.

(2) Premolt crabs less than five inches in width held by a fisherman for processing as softshell crabs or sold by him to a processor for the making of softshell crabs must be identifiable as premolt crabs and must be held in a separate container marked "peelers" or "busters" while in the possession of the fisherman. Obvious signs that such crabs are in the premolt stage shall include the fact that they are no further from molting than having a white line on the back paddle fin, which is recognized by the crab industry as a premolt stage.

(3) Spotted sea trout - Fourteen inches minimum total length with the mouth closed.

(4) *Repealed by Acts 1991, No. 157, §2, eff. July 2, 1991.*

(5) Sheepshead--10 inches minimum total length with the mouth closed.

(6) Buffalo fish--16 inches minimum total length with the mouth closed.

(7) Large species of freshwater catfishes:

(a) The blue catfish, locally called Mississippi cat -- 12 inches minimum length with the mouth closed; the flathead catfish locally called yellow cat, Opelousas cat, or goujon -- 14 inches minimum length with the mouth closed;

(b) The channel catfish, locally called the white catfish, the eel catfish, or the willow catfish -- eleven inches minimum length with the mouth closed or eight inches with the collarbone off; however, the commission is authorized to suspend or reduce by resolution, the legal size limit on channel catfish in those areas of the state where biological data indicates that such a suspension or reduction in the size limit would not be detrimental to the resource.

(c) There is no size limit on any species of bullhead or small species of catfish, locally called pollywog or tadpole cat.

(8) Paddlefish (spoonbill cat)--weighing not less than 15 pounds in the rough.

(9) Gaspergou--12 inches minimum length with mouth closed.

(10) *Repealed by Acts 1992, No. 256, §2, eff. July 1, 1993.*

(11) Diamond back terrapin--6 inches in length measuring the plastron or under the shell.

(12)(a) Stone crab - two and three-fourths inches minimum propodus (claw) length. Whole stone crabs shall not be landed. Only legal size stone crab claws shall be put or set onto shore from a vessel.

(b) It shall be deemed a violation of this Section if more than one stone crab is possessed per each crate of blue crabs or group of blue crabs equivalent to one crate, excluding a work box.

(c) Live stone crabs may be held on board a vessel while on the water until such time as the claws are removed after which time the crabs shall be returned to the waters from which they were taken.

B.(1) However, as to all commercial fish five percent of the total number of each species in possession may be smaller than the legal limit.

(2) To determine whether the total number of crabs in possession violates this Subsection, the enforcement agent shall take a random sample of fifty crabs from each crate or group of crabs equivalent to one crate. Notwithstanding (B)(1), if more than ten percent of the crabs in that fifty crab random sample are less than the minimum size limit set by law, the entire number of crabs in that crate or group of crabs equivalent to one crate shall be considered to be in violation.

(3) Notwithstanding the provisions of Subsection B(1) of this Section, ten percent of the total number of channel catfish (*Ictalurus punctatus*), locally called the white cat, the eel cat, or the willow cat, in possession may be smaller than the legal limit.

(4) Crabs in a work box, as defined in R.S. 56:8, shall not be subject to the minimum prescribed commercial size limits for hardshell crabs while held aboard the vessel. Commercial crab fishermen shall be allowed to have in possession aboard the vessel, either one work box, if not using a grader, or two work boxes under the grader, if using a grader.

C. The commission shall have the authority to set seasons, regulate the type of gear used, and set possession limits for speckled trout and other estuarine fish in Calcasieu Lake, located in Calcasieu and Cameron Parishes, where it is clearly demonstrated that intense fishing competition exists, or if pollution levels exceed accepted standards, or if biological studies indicate the need.

D. Repealed by Acts 1991, No. 157, §2, eff. July 2, 1991.

E.(1)(a) All saltwater finfish except tuna, swordfish, and sharks possessed by a commercial fisherman shall have the head and caudal fin intact until set or put on shore or when sold. Those species of tuna which have minimum size restrictions may have the head removed so long as the carcass length without the head exceeds the minimum size requirement. Swordfish and sharks possessed by a commercial fisherman shall not be skinned until set or put on shore or when sold. No shark fin shall be possessed aboard a vessel unless naturally attached to the original shark carcass. A shark may have the head removed so long as the carcass length without the head exceeds the legal minimum size requirement, but the shark shall have all fins intact and naturally attached, including the caudal fin. All garfish caught or possessed by a commercial fisherman in the saltwater areas of the state may have the head and caudal fin removed, but shall retain a strip of skin sufficient to clearly identify the fish until set or put on shore or when sold. All saltwater finfish shall be measured in accordance with applicable law.

(b) For the purpose of consumption at sea aboard the harvesting vessel, a person may have no more than two pounds of finfish parts per person on board the vessel, provided the vessel is equipped to cook such finfish.

(c) The provisions of this Paragraph shall not apply to bait species.

(2) Persons commercially fishing for shark must obtain a permit from the secretary of the Department of Wildlife and Fisheries. Such permit shall be in the immediate possession of the

person commercially fishing for shark. Any shark fisherman who violates a commercial shark fishery regulation shall be subject to the following sanctions:

(a) Upon the first conviction, the permittee shall have his shark permit voided and shall not be eligible for a new shark permit for a period of twelve months from the date of conviction.

(b) Upon the second conviction within a five-year period, the permittee shall have his shark permit voided and shall not be eligible for a new shark permit for a period of twenty-four months from the date of conviction.

(c) Upon the third conviction within a five-year period, the permittee shall have his shark permit voided and shall not ever be eligible for a new shark permit.

(d) The penalties provided in this Paragraph are mandatory and shall be imposed without benefit of suspension. Any commercial shark permit that is voided under the provisions of this Paragraph shall be turned over to the court and forfeited to the department.

(e) Persons convicted of harvesting or selling shark during the period of time when their permit is void or forfeit shall be guilty of a class six violation as defined in R.S. 56:36.

F.(1)(a) Notwithstanding any provision of law to the contrary, a wholesale or retail dealer and a commercial fisherman may be subject to the penalties provided by law for the possession of undersized crabs. If the wholesale or retail dealer can provide to wildlife and fisheries agents at the time of discovery the identity of the commercial fisherman who harvested the undersized crabs and subsequently sold such crabs to the wholesale or retail dealer, the dealer shall not be subject to the penalties. The department may check unboiled crabs for violations of the undersized crab provisions of this Section.

(b) It shall be an affirmative defense for a wholesale or retail dealer charged with possessing undersized crabs, after the crabs leave the dock or while some or all of the crabs are in transport after leaving the dock, that the invoice or other written documentation possessed by the dealer reflect that the total number of undersized crabs possessed by the dealer did not exceed ten percent of the total number of crabs bought for processing and shipping.

(2) Commercial fishermen shall tag, mark, or otherwise identify any crabs that are sold, in a manner which will insure that such commercial fisherman can be identified as the person who harvested the crabs. The identification required herein shall include the commercial fisherman's name, license number, and date on which the crabs were harvested.

(3) Any commercial fisherman identified as having sold undersized crabs to a wholesale or retail dealer pursuant to this Section shall be subject to the penalties provided in R.S. 56:33.

(4) Violation of any provisions of this Subsection, except Paragraph (5) of this Subsection, constitutes a class 3 violation.

(5)(a) No person shall possess more than twice the percentage of undersize crabs allowed by law. A violation of this Subparagraph shall constitute a class four violation. Any person convicted of violating the provisions of this Subparagraph shall, in addition to any other penalties imposed in this Subpart, have his crab trap gear license suspended as provided in this Paragraph.

(b)(i) Upon conviction for violating the provisions of Subparagraph (a) of this Paragraph, the defendant's crab trap gear license shall be voided and the defendant shall be prohibited from applying for a new license for a period of six months from the date of conviction.

(ii) Upon conviction for violating the provisions of Subparagraph (a) of this Paragraph for a second time within a five year period, the defendant's crab trap gear license shall be voided and the defendant shall be prohibited from applying for a new license for a period of twelve months from the date of conviction.

(iii) Upon conviction for violating the provisions of Subparagraph (a) of this Paragraph for a third time within a five year period, the defendant's crab trap gear license shall be voided and the defendant shall be permanently prohibited from applying for a new crab trap gear license.

(c) The penalties provided in Subparagraph (b) of this Paragraph are mandatory and shall be imposed without benefit of suspension. Any crab trap gear license that is voided under the provisions of this Paragraph shall be turned over to the court and forfeited to the department.

(d) No person convicted of violating the provisions of Subparagraph (a) of this Paragraph shall obtain a crab trap gear license or engage in any activity requiring a crab trap gear license during the period in which he is prohibited from applying for a new license under Items (b)(i) and (ii) of this Paragraph. A violation of this Subparagraph shall constitute a class six violation and in addition to any other penalties imposed by law, a person convicted of violating this Subparagraph shall be forever barred from applying for a crab trap gear license.

G. Violation of any provision of this Section for which no penalty has been specifically provided constitutes a class three violation.

H. The possession limit for the commercial taking of southern flounder shall be ten fish for each licensed fisherman for each consecutive day on the water. However, the provisions of this Subsection shall not apply to southern flounder caught as by-catch authorized by R.S. 56:492.

Acts 1974, No. 223, §1; Amended by Acts 1974, No. 510, §1; Acts 1981, No. 136, §1; Acts 1984, No. 295, §1, eff. July 1, 1984; Acts 1984, No. 273, §1; S.C.R. No. 36, 1984 R.S.; Acts 1985, No. 160, §1; Acts 1986, No. 613, §1; Acts 1987, No. 383, §1 §2; Acts 1987, No. 549, §1; Acts 1988, No. 330, §1; Acts 1988, No. 889, §1, eff. July 21, 1988; Acts 1988, No. 35, §1; Acts 1989, No. 239, §1, eff. June 26, 1989; Acts 1989, No. 590, §1; Acts 1989, No. 592, §1; Acts 1990, No. 368, §1; Acts 1991, No. 157, §2, eff. July 2, 1991; Acts 1991, No. 641, §1; Acts 1992, No. 256, §2, eff. July 1, 1993; Acts 1992, No. 456, §1; Acts 1995, No. 1043, §1; Acts 1997, No. 1238, §1; Acts 1997, No. 1352, §1; Acts 1999, No. 180, §1; Acts 1999, No. 183, §1; Acts 1999, No. 198, §1; Acts 1999, No. 220, §1; Acts 1999, No. 700, §1; Acts 1999, No. 1170, §1; Acts 2001, No. 150, §1; Acts 2001, No. 163, §1; Acts 2004, No. 598, §1; Acts 2010, No. 293, §1.

§326.1. Size limits set by commission

The commission shall have the authority to set, by rule in accordance with the Administrative Procedure Act, size limits for all freshwater and saltwater fish for which no limits have been set by law.

Acts 1986, No. 492, §1; Acts 2008, No. 23, §1, eff. July 1, 2008.

§326.2. Vessels landing red drum; notice to department; equipment; inspection

Any vessel engaged in commercial fishing in the Federal Fishery Conservation Zone and landing red drum in Louisiana shall be equipped with a functioning transponder aboard, shall permit on board inspection of its catch by agents of appropriate federal or state agencies, and shall notify the Department of Wildlife and Fisheries of any catch of red drum prior to the time the vessel docks or otherwise unloads its catch. The notice shall include the location of the vessel, where it will dock or unload, expected time of docking or unloading, and the estimated number of pounds of red drum on board.

Acts 1987, No. 383, §1.

§326.3. Possession limits; size limits, seasons, quotas, times, and daily take limits, set by commission; penalties

Subject to the provisions of the Administrative Procedure Act and specifically R.S. 49:968 and R.S. 56:325.3, the commission may set possession limits, quotas, places, seasons, times, size limits,

and daily take limits based upon biological and technical data, for all freshwater and saltwater finfish taken or possessed in Louisiana waters. Penalties for violation of any rule or regulations adopted and promulgated by the commission under this Section constitutes a class two violation.

Acts 1988, No. 954, §1, eff. July 27, 1988; Acts 1989, No. 486, §1, eff. July 1, 1989; Acts 1990, No. 376, §1; Acts 1991, No. 157, §1, eff. July 2, 1991.

§326.4. Staggered and split seasons and quotas

A. The legislature finds that Louisiana has a national reputation for serving unique and high quality seafood dishes, and that the availability of fresh popular fish to serve in Louisiana restaurants is important to the vitality of our culture and economy. Further, the legislature finds that it is in the best interest of the state that the Louisiana Wildlife and Fisheries Commission be authorized to set seasons and quotas for fishing in such a manner as to maximize the availability of popular fish for serving in Louisiana restaurants.

B. Except as otherwise provided by law, the commission, when setting seasons and quotas for taking fish, shall determine which fish are considered to be popular fish for serving in Louisiana restaurants and may split, stagger, or otherwise arrange their seasons and quotas in such a manner that some of the popular fish would be harvested and available to Louisiana restaurants throughout the entire year. The provisions of this Subsection shall not apply to the harvesting of spotted sea trout.

C. The commission shall provide a forum for interested parties to provide input to determine which fish are popular fish to serve in Louisiana restaurants.

Acts 1990, No. 492, §1.

§326.5. Bowfin; size limitations; eggs

A. It is the purpose of this Section to promote the conservation and sustained yield management of bowfin (commonly known as choupique, grinnel, grindle, or cypress trout). The legislature finds that the taking of bowfin, particularly female bowfin carrying roe or eggs, has reached levels of participation on a statewide basis that have impaired, or threaten to impair, the economic welfare of future bowfin harvesting, the overall efficiency of the harvest, and the sustained yield management of the bowfin resource.

B. No person who is in possession of a commercial fishing license shall take or sell bowfin less than twenty-two inches in total length with the mouth closed. No person who is in possession of a recreational fishing license shall take bowfin less than sixteen inches in total length with the mouth closed. In addition, fishermen are prohibited, while on the water or the land, from possessing bowfin eggs (roe) that are not naturally connected to a whole fish.

C. Violation of this Section constitutes a class three violation.

Acts 1991, No. 393, §1; Acts 1992, No. 81, §1; Acts 1993, No. 435, §1; Acts 1999, No. 574, §1; Acts 2003, No. 945, §1.

§326.6. Closed season; bowfin

A. The commercial taking of bowfin (*Amia calva*) or bowfin body parts including eggs (roe) with nets is prohibited during the months of December, January, and February. However, the provisions of this Section shall not apply to the taking of bowfin or bowfin body parts in Avoyelles, Terrebonne, West Baton Rouge, Pointe Coupee, Assumption, Iberville, and Tangipahoa parishes and the areas known as Bayou Courtableau, Bayou Teche, Lake Dauterive, Lake Fausse Pointe, Vermilion River, Carencro Bayou, Que de Tortue Bayou, Bayou Nez Pique, Mermentau River,

Bayou Lacassine, Sabine River, and the Atchafalaya Basin Floodway that is bounded by the east and west levees of the Atchafalaya Basin and is south of U.S. Highway 190.

B. Violation of this Section constitutes a class three violation.

Acts 1992, No. 187, §1; Acts 1993, No. 435, §1; Acts 1995, No. 200, §1; Acts 1997, No. 874, §1; Acts 1999, No. 574, §1.

§327. Sale or purchase of freshwater or saltwater game fish prohibited; commercial sales and purchases, commercial license required; commercial fingerlings and certified mariculture and aquaculture fish excepted; penalties

A.(1) No person shall purchase, sell, exchange, or offer for sale or exchange, or possess or import with intent to sell or exchange any game fish as defined in R.S. 56:8.

(a)-(c) *Repealed by Acts 2008, No. 23, §3, eff. July 1, 2008.*

(2) The commission shall promulgate rules and regulations in accordance with the Administrative Procedure Act to regulate the importation, possession, or sale of game fish species. Red drum, hybrid striped bass, or any other game fish species approved by the commission, which are legally taken, possessed, or sold commercially outside of the state, and aquaculturally raised game fish, may be imported, sold, or purchased by properly licensed wholesale/retail seafood dealers. Prior to each shipment into this state of any game fish, the buyer or handler of such shipment shall notify the secretary or his designated agent of its pending arrival and shall possess a bill of lading therefor. The bill of lading shall state the species of fish contained in each shipment, the number of fish or parts thereof, the origin of the shipment, the destination of the shipment, the consignee and consignor, and where applicable, the grower's name and fish farmer's license number. Wholesalers, their agents, and commercial transporters delivering the shipment or portions thereof to retail dealers shall provide each dealer with a copy of their bill of lading and shall indicate thereon the date of delivery to the retailer, the species of fish delivered, and the number of fish or parts thereof delivered. Both wholesale and retail dealers shall maintain a file of such bills of lading which shall be open to inspection by the secretary, his agents, or any enforcement agents. Regulations adopted by the commission may utilize a confirmation number system in lieu of copies of bills of lading provided by wholesale/retail seafood dealers to retail seafood dealers.

B. It shall be unlawful for any person, firm, or corporation to offer to sell or to sell any shrimp, oyster, fish, or other seafood without having first obtained a valid commercial fishing, retail, or wholesale license as otherwise provided in this Subpart, or without having first obtained certification from the department that such seafood has been raised and taken in accordance with a certified aquaculture program or a valid experimental mariculture permit issued pursuant to R.S. 56:579.1. It shall be unlawful for any person, firm, or corporation, including any restaurant or retail establishment, to purchase any shrimp, oyster, fish, or other seafood from any person who does not possess a valid commercial fishing, retail, or wholesale license lawfully issued in his name or his employer's name as provided in this Subpart, or possess certification from the department that such seafood has been raised and taken in accordance with a certified aquaculture program or a valid experimental mariculture permit issued pursuant to R.S. 56:579.1. The commercial fishing license required herein shall be one which authorizes the bearer to sell his catch. Such license or certification or a copy thereof shall be in the possession of the seller and conspicuously displayed at all times when transacting any sale.

C.(1) Violation of Subsection A of this Section constitutes a class 5-B violation.

(2) The provisions of Subsection B of this Section shall be enforceable by all law enforcement agencies throughout the state, in addition to agents of the Department of Wildlife and Fisheries and including but not limited to law enforcement officers of local governmental subdivisions. Notwithstanding any of the provisions of R.S. 56:314 to the contrary, any tackle of any type or

description, including without limitation such gear listed in R.S. 56:302, 302.5, or 305, which is used by a fisherman to take shrimp, oysters, fish, or other seafood for sale without possessing a valid commercial fisherman's license, in violation of Subsection B of this Section, shall be seized by the enforcing officer. Notwithstanding Subsection F of this Section to the contrary, violation of Subsection B of this Section constitutes a class 5-B violation (R.S. 56:35(B)).

D.(1) Recognizing that there are ever increasing numbers of both sport and commercial fishermen utilizing the waters of the state for recreational and commercial pursuits resulting in conflicts over limited space and competition for the same saltwater fish, and acknowledging that both the sport and commercial fishing industry are vital to the economy of the coastal region and the entire state, the provisions of this Subsection, being deemed fair and in the best interest of the state, are hereby declared.

(2) The Louisiana Wildlife and Fisheries Commission shall hold public hearings to determine areas in which the saltwater fish resources of the state must be allocated between the competing sport and commercial interests and shall promulgate rules and regulations defining such areas and the manner in which the saltwater fish resources shall be allocated, provided that the commission shall initially promulgate regulations setting out by clearly identifiable boundaries the waters within the Eleventh Ward, Jefferson Parish, and a procedure for allocation of the saltwater fish resource therein, such procedure to be based on a seasonal, hourly, daily, monthly, or total closure of said area to net fishing, whichever in the determination of the commission shall best accomplish the intent and purpose of this Subsection.

E. The secretary shall have the authority to set seasons, regulate the type of gear used, and set possession limits for speckled trout and other estuarine fish where it is clearly demonstrated that intense fishing competition exists or if pollution levels exceed accepted standards or if biological studies indicate the need.

F. Violation of any provision of this Section for which no penalty has been otherwise specifically provided constitutes a class one violation.

G. With the exception of large mouth bass (*Micropterus Salmoides*), spotted bass (*Micropterus punctulatus*), shadow bass (*Ambloplites ariommus*), black or white crappie (*Pomoxis Nigromaculatus*, P, *annularis*), white bass (*Morone chrysops*), yellow bass (*Morone mississippiensi*), striped bass (*Morone saxatilis*), and any species of bream (*Lepomis* supp. and *Centrarchus* sp.), the provisions of this Section shall not apply to research or other projects being conducted by the Louisiana State University Agricultural Center, or by other schools or programs specifically authorized by the Board of Regents with the concurrence of the Department of Wildlife and Fisheries, including but not limited to the sale or distribution of the research by-products, such as eggs, fingerlings, and fish, or other products grown under aquacultural conditions.

Acts 1974, No. 223, §1; Amended by Acts 1974, No. 633, §2; Acts 1976, No. 576, §1; Acts 1979, No. 287, §1; Acts 1981, No. 736, §1; Acts 1981, No. 837, §3; Acts 1982, No. 316, §1; Acts 1983, No. 522, §1; Acts 1985, No. 402, §1; Acts 1986, No. 660, §2; Acts 1987, No. 285, §1; Acts 1988, No. 778, §1; Acts 1988, No. 889, §1, eff. July 21, 1988; Acts 1988, No. 889, §4, eff. Sept. 1, 1991; Acts 1989, No. 469, §1; H.C.R. 181, 1989 R.S.; Acts 1990, No. 78, §§1 and 2; eff. Sept. 1, 1991; Acts 1991, No. 822, §1, eff. Sept. 1, 1991; Acts 1991, No. 888, §1, eff. July 23, 1991; Acts 1991, No. 987, §2; Acts 1995, No. 1141, §1; Acts 1997, No. 204, §1; Acts 1999, No. 1022, §1; Acts 2003, No. 268, §1; Acts 2007, No. 316, §§1, 2; Acts 2008, No. 23, §§1, 3, eff. July 1, 2008; Acts 2008, No. 220, §12, eff. June 14, 2008.

§327.1. Aquaculturally raised fish; definitions; importation

A. Notwithstanding the provisions of R.S. 56:327(A)(1)(b)(i), as amended by Section 2 of Act No. 78 of the 1990 Regular Session, to the contrary, cultured fish raised in an aquacultural environment may be imported into this state. No live fish shall be imported under this Section.

B. As used in this Section, the following terms shall have the following meanings:

(1) "Aquaculture" means aquaculture as defined in R.S. 56:411(B)(1).

(2) "Cultured fish" means saltwater game fish covered by the provisions of R.S. 56:327(A)(1)(b)(i) or shellfish.

C.(1) With the exception of largemouth bass (*Micropterus salmoides*), spotted bass (*Micropterus punctulatus*), shadow bass (*Ambloplites ariommus*), black or white crappie (*Pomoxis nigromaculatus*, *P. annularis*), white bass (*Morone chrysops*), yellow bass (*Morone mississippiensi*), striped bass (*Morone saxatilis*), and any species of bream (*Lepomis* spp. and *Centrarchus* sp.), cultured fish, raised in an aquacultural environment, may be imported into this state for sale at wholesale or retail.

(2) Prior to each shipment into this state of any aquaculturally raised fish, the buyer or handler of such shipment shall notify the secretary of the Department of Wildlife and Fisheries, or his designated agent, at least forty-eight hours prior to the product being shipped, of its pending arrival. Each shipment into this state must be accompanied by a bill of lading. The bill of lading shall state the species of cultured fish in each shipment, the number of cultured fish or parts thereof, the origin of the shipment, the destination of the shipment, the consignee and the consignor, and the grower's name and the fish farm license number, if applicable. Wholesalers, their agents, and commercial transporters delivering the shipment or portions thereof to retail dealers shall provide each dealer with a copy of their bill of lading and shall indicate thereon the date of delivery to the retailer, the species of the cultured fish being delivered, and the number of cultured fish or parts thereof delivered. Both wholesalers and retailers shall maintain a file of such bills of lading which shall be open to inspection by the secretary, his agents, or any law enforcement agency.

D. Every producer importing cultured fish into this state for sale at wholesale or retail under the provisions of this Section shall, prior to engaging in such business, provide, on forms approved by the secretary of the Department of Wildlife and Fisheries, evidence from the appropriate governmental agency in the foreign jurisdiction certifying that the producer is a bona fide fish farmer or producer of cultured fish in an aquacultural environment.

E. Violations of this Subsection shall constitute a class 5-B violation.

Acts 1991, No. 822, §2, eff. Sept. 1, 1991; Acts 1997, No. 191, §1; Acts 2010, No. 743, §2B, eff. July 1, 2010.

§328. Conducting fishing operations so as not to destroy nests or natural hiding places of young fish; prohibited importation; sale or offer for sale of noxious aquatic plants; permit; penalty

A. All fishing operations shall be conducted in such a way that nests of fish or the natural hiding places of young fish or shrimp are not destroyed. Nets shall not be hauled out upon the shore in such a way that any illegal fish which may happen to be taken therein cannot be returned to the waters without injury. All vegetation hauled up in fishing operations, except such as may be condemned as detrimental by the commission, shall be carefully removed and immediately put back into the waters in such a manner as not to injure any fish eggs, small fish, or fish foods contained therein.

B. No person shall at any time import or cause to be transported into the jurisdiction of the state of Louisiana, from any other state or country, without first obtaining a written permit from the department, noxious aquatic plants which are or can be grown submerged, immersed, floating in water, or in wetland conditions. The department shall maintain and promulgate under the Administrative Procedure Act a list of prohibited invasive, noxious aquatic plants.

C. The department shall have the authority to promulgate rules under the Administrative Procedure Act to prevent the introduction of invasive, noxious aquatic plants and to control, eradicate, and prevent the spread or dissemination within the state of all invasive, noxious aquatic plants that pose a threat to the wildlife or fisheries resources of the state. The department may issue permits for the importation of any of the invasive, noxious aquatic plants for the purpose of conducting scientific investigations of such species of aquatic plants. Terms and conditions of all permits issued shall be prescribed by the department.

D. The department shall confer and cooperate with the Department of Agriculture and Forestry to determine if any potentially regulated plants are of agricultural importance.

E. Violation of the provisions of Subsection B or C of this Section and violation of any rule adopted pursuant to the provisions of this Section constitutes a class four violation.

Acts 1974, No. 223, §1. Amended by Acts 1975, No. 248, §1; Acts 1980, No. 593, §1; Acts 1981, No. 837, §3; Acts 1992, No. 45, §1; Acts 2006, No. 400, §1, eff. July 1, 2006; Acts 2006, No. 400, §2, eff. Jan. 1, 2007.

§329. Obstruction of streams or lakes by fyke nets or other devices

A. No person shall obstruct the free passage of fish in any of the streams, lakes, bayous, or in any body of water, including crevasses, coulees, and canals in marsh and swamp areas of the state by any means whatsoever, provided that the provisions of this Section shall not apply to water control structures or dams for the retention of water for conservation purposes.

B. Except in Little River in Grant Parish and LaSalle Parish, no obstructions including trawls, skimmer nets, butterfly nets, fyke nets, wings or leads, seines, gill nets, or trammel nets which interfere with the free passageway for fish as defined herein shall be set within five hundred feet of the mouth of any inlet or pass, or within five hundred feet of any water control structures, dams, or weirs. Hoop nets, including wings and leads, set in Little River in Grant Parish and LaSalle Parish may be set closer than five hundred feet to the mouth of any inlet or pass or water control structure, dam or weir. Wings and leads are permitted on hoop nets in overflowed regions where the water is out of the actual bed of the natural stream or lake but not within the restricted five hundred feet area.

C. The possession of fish caught in leads or wings is prohibited. Wings and leads on hoop nets below the saltwater line, as defined in R.S. 56:322(A), are permitted. However, the use of monofilament leads or wings shall be prohibited below the saltwater line. No pair of wings or leads shall be within one hundred feet of each other and no single lead shall exceed twenty-five feet in length.

D. "Free passageway for fish" means a minimum passageway opening of five feet in width extending from the surface to the bottom of the water in the deepest portion of the water. The use of wings and leads on nets and seines is a violation of this Section except in overflowed regions as stated above.

E. Violation of any of the provisions of this Section constitutes a class three violation.

Acts 1989, No. 247, §1, eff. June 26, 1989; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 2007, No. 296, §1; Acts 2010, No. 746, §1.

§330. Crawfish harvesters; crawfish traps

A. Crawfish harvesters shall be subject to the jurisdiction and rules and regulations of the Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission.

B. Crawfish may be taken commercially with approved crawfish traps. The openings of the flues or throats on crawfish traps shall not exceed two inches.

C. The secretary may promulgate rules and regulations to effectuate the provisions of this Section.

Acts 1995, No. 543, §2.

§331. Crab Task Force

A. There is hereby established the Crab Task Force to advise the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission on matters pertaining to the management and development of the crab industry in Louisiana.

B. The Crab Task Force shall be composed of twenty members appointed by the secretary of the Department of Wildlife and Fisheries as follows:

- (1) Four crab dealers or processors.
- (2) Two soft shell crab producers.
- (3) Seven commercial hard crab fishermen.
- (4) One biologist appointed from the LSU Agricultural Center Sea Grant program.
- (5) One marine biologist appointed from the faculty of a Louisiana university.
- (6) One marine biologist appointed from the Department of Wildlife and Fisheries.
- (7) One enforcement agent appointed from the Department of Wildlife and Fisheries.
- (8) One attorney appointed from the LSU Sea Grant program.
- (9) One fisheries economist from Louisiana State University.
- (10) One economist appointed from the Department of Wildlife and Fisheries.

C. The members listed in Paragraphs (1) through (3) of Subsection B of this Section shall be voting members. The members listed in Paragraphs (4) through (10) of Subsection B of this Section shall not vote.

D. The task force shall adopt bylaws under which it shall operate, and seven members of the task force shall constitute a quorum sufficient to conduct meetings and business of the task force. The task force shall elect a chairman from its membership and may seek and receive assistance from universities within the state in the development of methods to increase the production and marketability of crabs.

E. Members of the task force shall serve without compensation.

F. The members appointed by the secretary shall as near as practicable represent diverse geographic areas according to statistical crab fishing license data. The members appointed by the secretary shall be subject to Senate confirmation.

Acts 2001, No. 57, §2, eff. May 24, 2001; Acts 2006, No. 247, §1.

§331.1. Repealed by Acts 1968, No. 625, §1.

§332. Crabs; release of crabs in berry stage; method of taking crabs; time limitations; by-catch; penalties; abandoned crab trap removal program

A. Crabs of legal size may be taken using any gear identified in R.S. 56:320(B)(3); however, the taking of crabs by means of trawls in inside waters is permitted only during the open season for shrimp. In no event, however, shall a person use a trawl with a mesh size less than that of commercial shrimp trawls for the purpose of taking crabs during the open season for shrimp.

B. No person shall keep or sell adult female crabs in the berry stage, that is, when they are carrying the eggs or young attached to the abdomen. All crabs in the berry stage taken by any means shall be returned immediately to the waters. However, a legally licensed commercial crab fisherman may have in his workbox an incidental take of crabs in the berry stage in an amount equal to not more than two percent of the total number of crabs in his possession.

C.(1) The baiting, tending, checking, or removing of serviceable crab traps in use and the contents of such crab traps or their lines, buoys, or markers shall be prohibited in public waters during the time period from one-half hour after legal sunset until one-half hour before legal sunrise.

(2) Notwithstanding any other provision of the law to the contrary, violation of any provisions of this Subsection constitutes a class four violation.

D. The commission shall promulgate and adopt rules and regulations to establish a marking system for crab traps sufficient to enable the department's agents to clearly identify crab traps including the name and license number of the owner of such crab traps and sufficient to enforce all laws relative to such crab traps.

E.(1) Except as provided in Subsection N of this Section, crab traps which are no longer serviceable or in use shall be removed from the water by the owner thereof and properly disposed of or stored by him. Except as provided in Subsection N of this Section, no person shall intentionally damage or destroy serviceable crab traps or the floats or lines attached thereto, or remove the contents thereof, other than the licensee or his agent.

(2) A person intentionally discarding an unserviceable crab trap in navigable waters shall be guilty of a class two violation.

F. Notwithstanding any other law to the contrary, theft of a crab trap shall constitute a class 4 violation.

G. No crab traps shall be set in navigable channels or entrances to streams. It shall be the responsibility of the crab fisherman to place his crab traps so vessels can safely navigate and also to dispose of his unserviceable crab traps. Violation of any provision of this Subsection shall be a class two violation. A shrimper who catches an unserviceable crab trap shall keep it on board his vessel and properly dispose of it at a designated disposal site if one is available. Except as provided in Subsection N of this Section, a shrimper who catches an otherwise serviceable trap without a float shall return it to the water with a common float. Any fisherman with a crab fishing license may raise and check any trap with a common float to determine ownership. The owner of the trap shall return the common float to any shrimper for reuse. The color of the common float shall be determined by the commission.

H. Violation of any provision of this Section constitutes a class four violation, except as otherwise provided herein.

I. Notwithstanding any other law to the contrary, the taking of crabs with legal crab traps, crab pots, nets, and lines shall be permitted in the Lake Catherine and Lake Pontchartrain Sanctuary including the waters of Lake Catherine, and its passes, the Rigolets, Unknown Pass, and Chef Menteur, and that portion of Lake Pontchartrain as follows: The whole area from where the Rigolets and Chef Menteur Passes enter Lake Pontchartrain extending in a westerly direction to a point four miles west of the Southern Railway Bridge, being all of Lake Pontchartrain and its tributaries lying east of the Southern Railway Bridge, and all that portion of Lake Pontchartrain extending four miles west of the Southern Railway Bridge, between the northern and southern shore line, as well as that portion extending out four miles from shore along the Orleans Parish shore line to the Jefferson-Orleans Parish line, and that area of Lake Pontchartrain along the north shore extending out four miles from shore and running from the Southern Railway Bridge to a line drawn between a point four miles southwest of Goose Point and Goose Point.

J. Metal tackle or metal crab traps shall not be used in any of the public waters north of the Intracoastal Canal in the Calcasieu River or in any body of water comprising the Calcasieu River System north of the Intracoastal Canal, or in the waters of Vermilion Bay from Cypremort Point one mile offshore to Blue Point.

K. Beginning January 1, 1998, and thereafter, each crab trap shall have a minimum of two escape rings. All escape rings shall be placed on the vertical, outside walls flush with the trap floor or baffle, with at least one ring located in each chamber of the trap. The minimum sizes of the rings shall be two and five-sixteenths inches in inside diameter, not including the ring material. The rings

shall be rigid and attached to the trap with material of a smaller diameter than the wire strands of the trap. Except from April first through June thirtieth and from September first through October thirty-first, escape ring openings shall not be obstructed with any material that prevents or hampers exit of crabs. However, the provisions of this Subsection shall not apply to those crab traps placed in Lake Pontchartrain.

L. The limit for blue crabs taken for recreational purposes shall be twelve dozen, or one hundred forty-four crabs, daily and in possession.

M.(1) Notwithstanding the provisions of R.S. 56:320, a licensed commercial fisherman may retain for personal consumption finfish caught as by-catch in crab traps up to an aggregate of twenty-five finfish per vessel per day. However, no game fish or spotted sea trout may be kept as a part of the aggregate allowed by the provisions of this Subsection. Any fish kept under the provisions of this Subsection shall be subject to statutory and regulatory size and possession limits applicable to recreational fishing.

(2) In addition to any fish retained as by-catch, any licensed commercial fisherman holding a gear license which allows him to take finfish for commercial purposes may possess any finfish caught under that gear license up to the commercial possession limit allowable for such finfish and such finfish shall not be required to be segregated from the by-catch allowed in Paragraph (1) of this Subsection.

N.(1) Notwithstanding any other provision of law to the contrary, the Wildlife and Fisheries Commission may develop and establish a program to remove abandoned crab traps from state-owned lake and river beds and other water bottoms of the state. Any crab trap found in state-owned lakes and river beds and other water bottoms of the state during a period of time when their use has been prohibited by the commission under the provisions of Paragraph (2) of this Subsection shall be considered abandoned and may be removed by those persons authorized by the commission.

(2) The commission may prohibit crab traps in state-owned lake and river beds and other water bottoms of the state as follows:

(a) During a sixteen-consecutive-day period between February first and March thirty-first, the commission may prohibit crab traps in one or more geographical areas of the state.

(b) During a fourteen-consecutive-day period of time which includes the opening day of the spring inshore shrimp season the commission may prohibit crab traps in one or more geographical areas of the state.

(c) The period of time for the prohibitions of crab traps authorized in this Paragraph shall be specified by the commission for each geographical area, which period may be for fewer than the sixteen consecutive days, but shall consist of consecutive days within the sixteen-consecutive-day period.

(3) The commission shall adopt and promulgate under the Administrative Procedure Act rules and regulations to provide for a prohibition on the use of crab traps and for the removal of abandoned traps and their disposal. The rules shall, at a minimum, specify the beginning and ending dates for the prohibition on the use of crab traps, shall specify the geographical area within which the use of crab traps shall be prohibited, and shall specify who is authorized to remove the abandoned traps and the location where the removed abandoned traps are to be placed for disposal.

Acts 1974, No. 223, §1. Amended by Acts 1977, No. 742, §1, eff. Jan. 1, 1978; Acts 1978, No. 328, §1, eff. July 10, 1978; Acts 1978, No. 662, §1; Acts 1979, No. 280, §1; Acts 1979, No. 606, §1; Acts 1981, No. 479, §1; Acts 1981, No. 838, §1; Acts 1984, No. 230, §1, eff. June 29, 1984; Acts 1986, No. 904, §§3, 4; Acts 1987, No. 602, §1; Acts 1987, No. 854, §1; Acts 1988, No. 119, §1; Acts 1988, No. 330, §§1, 2; Acts 1989, No. 591, §1; Acts 1989, No. 738, §1; Acts 1989, No. 739, §1; Acts 1991, No. 859, §1; Acts 1995, No. 1044, §1; Acts 1997, No. 302, §1; Acts 1999, No. 179, §1; Acts 1999, No. 422, §1, eff. June 18, 1999; Acts 2003, No. 48, §1; Acts 2003, No. 565, §1; Acts 2003, No. 566, §1; Acts 2006, No. 401, §1, eff. Nov. 15, 2006; Acts 2008, No. 23, §1, eff. July 1, 2008; Acts 2010, No. 932, §1.

§332.1. Eel; methods of taking; licensing; marking; violation

A.(1) Eel may be taken for commercial purposes using eel pots, as that term is defined in R.S. 56:8, or by other legal means.

(2) Possession of a valid commercial fishing license in addition to other applicable commercial licenses authorizes the holder thereof to sell any eel taken.

B. Eel may be taken for recreational purposes using any legal recreational gear as set forth in R.S. 56:320(A). Licenses shall be as required by R.S. 56:302.1(C) for residents and nonresidents respectively.

C.(1) Each eel pot shall be attached by a nonfloating line to a visible float of at least six inches in diameter or one-half gallon volume size and the eel fishermen's license number shall be printed on the float in indelible ink.

(2) Eel pots shall be fished only in areas of the state which are south of the saltwater line as delineated by R.S. 56:322(A) and in saltwater lakes north of said saltwater line, excluding Lake Maurepas, except by permit issued by the Department of Wildlife and Fisheries pursuant to the provisions of R.S. 56:571. No eel pot shall be set in navigable channels or entrances to streams.

D. Violation of any provision of this Section constitutes a class two violation.

Acts 1986, No. 114, §1; Acts 1990, No. 497, §1; Acts 1997, No. 203, §1.

§333. Mullet; saltwater areas

A. Mullet may be taken commercially in the saltwater areas of the state as described in R.S. 56:322(B) and 333(C). The Louisiana Wildlife and Fisheries Commission shall adopt rules to regulate the taking of mullet. Such regulations, except as provided in Subsection B of this Section, shall provide for zones, permits, fees, and other provisions necessary to implement this Section.

B.(1) The season for taking mullet shall begin on the third Monday in October of each year and remain open until the third Monday in January. There shall be no commercial taking of mullet during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. Mullet may not be taken commercially at any time outside of this season. There shall be no fishing pursuant to the provisions of this Section during the hours after sunset and before sunrise. The provisions of this Section are subject to quotas and size limits as established by law and rules and regulations of the commission.

(2) Mullet may only be taken commercially with a mullet strike net.

(3) The commercial taking of mullet is prohibited except by special permit issued by the Department of Wildlife and Fisheries at a cost of one hundred dollars for residents of this state and four hundred dollars for those who are nonresidents.

(4) The commercial taking of mullet during the season by using a mullet strike net in excess of one thousand two hundred feet in length or by using more than one strike net from any vessel at any time is prohibited.

(5) Each mullet strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take mullet. The department shall not issue any tag to a person who does not have a social security number.

C. Notwithstanding any provision of law to the contrary, in addition to other areas of the state, mullet may also be taken pursuant to the provisions of this Section in the following areas:

(1) The portion of Breton and Chandeleur Sounds south and west of a line beginning at the most northerly point on the south side of Taylor Pass at Latitude 29° 23' 18" 476 N. (Y-268, 131, 65), Longitude 89° 19' 00" 803 W. (X-2, 642, 161.69); thence run North 32° 32' West for 8.74 miles to a horizontal tank battery located in the vicinity of Battledore Reef and east of Little Battledore Island; thence run North 30° 47' East for 11 miles to the Mississippi River Gulf-Outlet channel at the lighted, privately maintained marker known as station "69-A" and "70-A".

(2) The portion of the Intracoastal Waterway in Orleans Parish from the overhead power lines at the Interharbor Navigation Canal east to the Rigolets.

(3) The portion of Lake Pontchartrain located south and east of the Interstate 10 bridge.

D.(1) No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

(a) The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

(b) The person shall provide copies of unamended, original income tax returns, including Schedule C from the federal form 1040, which show that the person derived more than fifty percent of his earned income from the capture and sale of seafood species in any two of the years 1995, 1994, and 1993.

(c) The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

(2) The commission shall adopt rules and regulations for the entry of commercial fishermen into the commercial mullet fishery. Such rules shall include the provisions of Paragraph (1) of this Subsection as minimum requirements.

E. The department shall not issue nor shall any person receive more than one permit or license to commercially take mullet.

F.(1) Violation of any provision of this Section or of any Wildlife and Fisheries Commission regulation pertaining to mullet fishery shall constitute a Class 6 violation. The offender shall also be penalized as follows:

(a) For a first offense, the offender shall forfeit any mullet permit or mullet strike net license issued to him and shall be barred from obtaining a mullet permit or a mullet strike net license for the remainder of the period for which it was issued plus one year, during which the offender shall be barred from participating in any mullet fishery.

(b) For a second offense, the offender shall forfeit any mullet permit or mullet strike net license issued to him and shall be barred from obtaining a mullet permit or a mullet strike net license for the remainder of the period for which it was issued plus two years, during which the offender shall be barred from participating in any mullet fishery.

(c) For a third offense, the offender shall forfeit any mullet permit or mullet strike net license issued to him and shall be forever barred from obtaining a mullet permit or a mullet strike net license and from participating in the mullet fishery.

(2) Any person who participates in the fishery while barred shall be penalized under the provisions of a Class 7-B violation.

G.(1) The commission shall make an annual peer reviewed and evaluated report to the legislature no later than March first that contains the following information on mullet:

(a) The spawning potential ratio.

(b) A biological condition and profile of the species and stock assessment.

(2) If the report shows that the spawning potential ratio is below thirty percent, the department shall close the season within two weeks for a period of at least one year.

H. The licenses or permits provided for in this Section and in R.S. 56:305(B)(14) as to residents and nonresidents shall not be transferable from one person to another for a period of three years from August 15, 1995, or until a transfer system is developed by the commission, except in the case of proven physical hardship, as determined within the sole discretion of the commission, and in such event may only be transferred to the spouse, parent/legal guardian, or child/legal dependent of such person. The commission shall by rule establish a system for the transfer of such licenses or permits within a three-year period. In establishing such a system, the commission shall provide that there shall be no financial gain realized by the transfer of such licenses or permits. Any decision of the commission may be appealed de novo to the Nineteenth Judicial District Court.

I. *Repealed by Acts 2001, No. 147, §2.*

Acts 1991, No. 1051, §1; Acts 1995, No. 1316, §2; Acts 1997, No. 527, §1, eff. July 3, 1997; Acts 1999, No. 838, §1; Acts 2001, No. 51, §1; Acts 2001, No. 147, §§1, 2.

§333.1. Mullet; freshwater areas

Mullet may be taken commercially by means of hoop nets in the freshwater areas of the state as described in R.S. 56:322(A). The commission in accordance with the Administrative Procedure Act shall adopt rules and regulations to regulate the taking of mullet. The rules shall provide for zones, permits, fees, daily take and possession limits, and other provisions necessary to implement the provisions of this Section. The rules promulgated by the commission shall specifically provide the following:

(1) That mullet caught in the freshwater areas of the state shall not be possessed by commercial fishermen in the saltwater areas of the state.

(2) There shall be no lead nets on hoop nets used for the fishing of mullet.

(3) No hoop nets used to catch freshwater mullet shall be run at night.

(4) No mullet shall be possessed in the freshwater areas of the state between the hours of official sunset and official sunrise.

Acts 1999, No. 838, §1.

§333.2. Mullet Task Force

A. There is hereby established the Mullet Task Force composed of the following members:

(1) The secretary of the Department of Wildlife and Fisheries or his designee.

(2) A member appointed by the United Commercial Fisherman's Association.

(3) A member appointed by the Delta Commercial Fisherman's organization.

(4) A member appointed by the Lake Pontchartrain Fisherman's Association.

(5) A member appointed by the Louisiana Commercial Fisherman's Association of Dulac.

B. The task force shall advise the Louisiana Wildlife and Fisheries Commission as to the most appropriate date to open mullet season. The task force shall meet at least once each quarter of the year with one meeting to be held between July fifteenth and August fifteenth each year in order to develop a task force recommendation for the opening date for that calendar year. Recommendations for the date to open the mullet season shall be presented to the Louisiana Wildlife and Fisheries Commission at the September commission meeting each year.

C. Members of the task force shall serve without compensation.

Acts 2001, No. 116, §2, eff. May 25, 2001.

§§334, 334.1. *Repealed by Acts 1986, No. 904, §4.*

§334.2. Freshwater fishing allowed in designated saltwater areas

The saltwater angling license required in R.S. 56:302.1(C) shall not preclude a person from fishing for freshwater species of fish south of the designated saltwater line described in R.S. 56:322(A) or in saltwater lakes and bodies of water designated in R.S. 56:322(B). A person may take or possess in such designated saltwater areas, without a saltwater angling license, any freshwater species of fish in any number not otherwise prohibited by law, provided the person possesses a valid fishing license as otherwise required by law. For the purpose of enforcement, the department shall determine by rule which species of fish shall be classified as a freshwater species and which shall be classified as a saltwater species. Any person, without a valid saltwater angling license, that takes a saltwater species of fish as classified by the department from a designated saltwater area shall return such fish immediately to the waters from which taken without avoidable injury. An enforcement agent or officer of the department may inspect a fisherman's catch to insure compliance with this Section.

Acts 1986, No. 844, §1.

§335. *Repealed by Acts 1986, No. 904, §4.*

§336. Penalty for violation of sport fishing provisions

A. Whoever violates any of the sport fishing provisions of this Sub-part for which no penalty has been otherwise specifically provided shall be fined not less than \$25 nor more than \$100 or be imprisoned for not less than ten days nor more than sixty days, or both. For a second or subsequent conviction for the same offense, he shall be fined not less than \$100 nor more than \$300 or be imprisoned for not less than thirty days nor more than ninety days, or both and any tackle used in violating the law may be disposed of by the commission on order of the court having jurisdiction thereof.

B. Upon conviction for any offense for which a penalty is provided by Subsection A hereof or by any other provision of this Sub-part, and in addition to such penalty, the court may suspend or revoke the offender's hunting and/or fishing license and any or all privileges to hunt or to fish in this state that may be granted under any law or color of law whenever, in the judgment of the court, the circumstances warrant suspension or revocation, and in such case the suspension or revocation shall be for a period not to exceed the period for which the license was issued plus one year thereafter.

Acts 1974, No. 223, §1.

§337. *Repealed by Acts 1989, No. 490, §1.*

§338. Registration of vessels; application; misstatements; penalties

A. Any vessel which shall be licensed or permitted to engage in commercial fishing or freighting operations for shrimp or fish of any species with any type of nets, seines, or traps in Louisiana waters which has not been registered at a customs port within the state and which fails to pay the fishing boat or net licenses fixed under this Subpart, shall not be entitled to another such license nor permitted to engage in such operations within two years thereafter.

B. Any material misstatement of fact regarding the ownership of the vessel for which application is made, supported by false affidavit, subjects the person making the affidavit to prosecution and subjects the vessel to forfeiture as provided for forfeiture of vessels and equipment in this Sub-part.

C. Violation of this Subpart constitutes a class one violation.

Acts 1974, No. 223, §1. Amended by Acts 1981, No. 837, §3.

§339. Transportation of fish to other states; reciprocity

On and after March 1, 1951, resident and nonresident persons of Louisiana and foreign corporations are prohibited from seining for and catching menhaden or other species of fish not ordinarily used for human consumption in the inside and outside waters over which Louisiana has jurisdiction, to be transported to another state for the purpose of rendering and processing same, unless the state, to which the menhaden or other such species of fish are transported for the purpose of rendering and processing, permits citizens of Louisiana and Louisiana corporations the like privilege to seine for and catch and transport into Louisiana for the purpose of rendering and processing same, under the same conditions as provided by Louisiana law, menhaden and other like species of fish in the waters over which that state has jurisdiction.

Acts 1974, No. 223, §1.

§§340 to 344. *Repealed by Acts 1986, No. 904, §4.*

§345. *Repealed by Acts 2000, 1st Ex. Sess., No. 130, §2.*

§346. *Repealed by Acts 1991, No. 270, §2.*

§§347 to 353. *Repealed by Acts 1985, No. 876, §4, eff. July 23, 1985.*

§354. *Repealed by Acts 1986, No. 904, §4.*

§355. Penalty provision

Penalties for violation of any provision of this Subpart shall be as prescribed in Part II of this Chapter. Violation of any provision of any Section of this Subpart shall constitute a class one violation except where a higher class of violation is specified for a violation of any provision of a particular Section.

Added by Acts 1981, No. 837, §3.

§356. Aquaculture defined

The term "aquaculture" means the production of fish in a controlled environment in private waters on private lands. "Aquaculture" includes, but is not limited to, the commercial production, storage, processing, marketing, distribution, export or importation of any seafood, including but not limited to catfish, crustaceans, freshwater prawns, mollusks, and shiners and other bait species.

Added by Acts 1983, No. 412, §1; Acts 1991, No. 822, §3, eff. Sept. 1, 1991.

SUBPART A-1. AQUATIC INVASIVE SPECIES**§360.1. Louisiana Aquatic Invasive Species Council**

A. The Louisiana Aquatic Invasive Species Council is hereby created and shall be composed of the following members or their designees:

- (1) The governor.
- (2) The secretary of the Department of Wildlife and Fisheries.
- (3) The secretary of the Department of Natural Resources.
- (4) The secretary of the Department of Environmental Quality.
- (5) The commissioner of agriculture.

- (6) The secretary of the Department of Transportation and Development.
- (7) The secretary of the Department of Health and Hospitals.
- (8) The state superintendent of education.
- (9) The secretary of the Department of Culture, Recreation and Tourism.

B. The council shall be chaired by the secretary of the Department of Wildlife and Fisheries or his designee. The council shall elect a vice chair who shall not be an employee of the Department of Wildlife and Fisheries. In addition, the council shall elect other officers as the council deems necessary. The Department of Wildlife and Fisheries shall provide staff necessary for the council.

C. The council shall meet at least once per quarter, but may meet more often as necessary. The members of the council shall not be compensated for their services but may seek travel reimbursements from their respective agencies under the guidelines for state employees provided by the division of administration. Meetings of the council shall be subject to laws regarding open meetings, R.S. 42:11 et seq., and records kept by the council shall be subject to laws regarding public records, R.S. 44:1 et seq.

Acts 2004, No. 185, §2, eff. June 10, 2004.

§360.2. The Louisiana Aquatic Invasive Species Task Force

A. In addition to the Louisiana Aquatic Invasive Species Council, there is hereby created the Louisiana Aquatic Invasive Species Task Force to serve in an advisory capacity to the council. The task force shall be composed of members or their designees as follows:

- (1) The district commander of the Eighth Coast Guard District.
- (2) The district engineer of the U.S. Army Corps of Engineers, New Orleans District.
- (3) The district chief for the Water Resources Division of the U.S. Geological Survey, Louisiana district.
- (4) The Region 4 director of the U.S. Fish and Wildlife Service, Atlanta office.
- (5) The state plant health director for the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine.
- (6) The chancellor of the Louisiana State University Agricultural Center.
- (7) The chancellor of the University of New Orleans.
- (8) The director of the Center for Bioenvironmental Research, Tulane University and Xavier University.
- (9) The president of the University of Louisiana at Lafayette.
- (10) The executive director of the Louisiana Wildlife Federation.
- (11) The regional administrator of the National Park Service, U.S. Department of Interior.
- (12) The president of the Louisiana Farm Bureau Association.
- (13) The president of the Louisiana Marine and Motorcycle Trades Association.
- (14) The executive director of the Louisiana Sea Grant Program.
- (15) The director of the Barataria-Terrebonne National Estuary Program.
- (16) The executive director of the Louisiana Landowners Association.
- (17) The executive director of the Louisiana Nursery and Landscape Association.
- (18) The executive director of the Louisiana Forestry Association.

- (19) The president of the Ports Association of Louisiana.
- (20) The executive director of the Gulf States Marine Fisheries Commission.
- (21) The president of the Louisiana Chemical Association.
- (22) The executive director of the Steamship Association of Louisiana.
- (23) A representative of the electrical utility industry in Louisiana appointed by the Louisiana Electric Utilities Association.
- (24) The president of Louisiana Mid-Continent Oil and Gas Association.
- (25) The chairman of the Louisiana Aquaculture Advisory Task Force.
- (26) The chief of the National Oceanographic and Atmospheric Administration Habitat Conservation Division Office in Louisiana.
- (27) The state veterinarian employed by the Department of Agriculture and Forestry.
- (28) The state entomologist appointed by the commissioner of the Department of Agriculture and Forestry.
- (29) The executive director of the State Soil and Water Conservation Committee.
- (30) The director of horticulture and quarantine programs for the Department of Agriculture and Forestry.
- (31) An Oyster Task Force member appointed by the chairman of the Oyster Task Force.

B. The task force shall be chaired by the chair of the council and shall meet at the call of the chair. The members of the task force shall not be compensated for their services on the task force but may seek travel reimbursements from their respective agencies under the guidelines for state employees provided by the division of administration. Meetings of the task force shall be subject to laws regarding open meetings, R.S. 42:11 et seq., and records of the task force shall be subject to laws regarding public records, R.S. 44:1 et seq.

C. The chair of the council may appoint committees of the task force. The chair of the council shall appoint the chair of any committee and shall designate the functions and responsibilities of each committee appointed. The chair may appoint on an ad hoc basis committee members who are not members of either the council or the advisory task force.

Acts 2004, No. 185, §2, eff. June 10, 2004.

§360.3. Powers, duties, functions, and responsibilities of the Louisiana Aquatic Invasive Species Council and Task Force

A. The council, with the advice and assistance of the task force, shall do the following things:

(1) Coordinate the implementation of Louisiana Invasive Aquatic Species Management Plan, which was adopted by the Louisiana Non-Indigenous Aquatic Species Advisory Task Force created by Executive Order MJF 02-11.

(2) Coordinate and support through collaboration and full communication all efforts in the state, the region, and the nation, as appropriate, to control, prevent or eradicate invasive or potentially invasive aquatic species.

(3) Coordinate the implementation of the management plan's goals to prevent and control the introduction of new non-indigenous aquatic species into Louisiana; to control the spread and impact of existing invasive aquatic species; and to eradicate already established invasive aquatic species through the development of policies to achieve the following four objectives:

(a) Prevent and control the introduction or re-introduction of invasive or potentially invasive non-indigenous aquatic species through education about species and pathways of introduction, targeting the general public, schools, industries, government agencies, and other organizations.

(b) Eliminate established invasive aquatic species through monitoring, early detection, rapid response, and early eradication.

(c) Control the spread of established invasive aquatic species through cooperative management activities designed to minimize impact where eradication is impossible.

(d) Prevent the introduction of invasive or potentially invasive non-indigenous aquatic species or the spread of existing invasive or potentially invasive non-indigenous aquatic species.

(4) Identify all funding sources which may be available for use by the council or the task force to control, contain, eradicate, or prevent the introduction or spread of invasive or potentially invasive non-indigenous aquatic species in an effort to preserve and protect our native ecosystems and indigenous aquatic species.

(5) Submit to the legislature every two years a status report on the management plan and its implementation. Such report shall be submitted prior to the opening day of the regular session in even-numbered years and shall comply with the requirements of R.S. 24:772. Any changes to the plan shall be adopted and promulgated under the provisions of the Administrative Procedure Act and shall be subject to oversight by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

B. The task force shall act in an advisory capacity to the council in the development of data and information relative to non-indigenous aquatic species and the implementation and revision of the management plan. The task force shall meet with the council at the call of the chair of the council. The task force shall seek the advice and consultation of tribal entities when appropriate.

Acts 2004, No. 185, §2, eff. June 10, 2004; Acts 2008, No. 580, §7.

SUBPART B. MISCELLANEOUS PROVISIONS APPLICABLE TO CERTAIN WATER BODIES

§401. Commercial seining prohibited in Lake Bruin and other lakes: penalty

No person shall seine fish for commercial purposes in Lake Bruin in the parish of Tensas and in the Fool River in the parish of Franklin. The department shall take such steps as necessary to prevent the seining of fish for commercial purposes at any time in those two areas. Violation of this Section constitutes a class two violation.

Acts 1974, No. 223, §2. Amended by Acts 1981, No. 837, §3; Acts 1982, No. 746, §1.

§402. Commercial fishing in Lake Bruin prohibited; penalty

All catching of fish in any manner for commercial purposes in Lake Bruin including that part of the lake called Brushy and the following streams and bayous leading into or out of Lake Bruin: Bruin's Bayou, Choctaw Bayou, Ruth's Ditch, Catfish Bayou, Blue Hole, or Gillespie Ditch situated in the parish of Tensas, is prohibited. The department shall take such steps as necessary to prevent the catching of fish in any manner for commercial purposes at any time in the lake and its tributaries. The department may provide for open season and permit the taking of commercial fish from those waters for reasonable periods when in its judgment and discretion no harm would result therefrom and the taking would tend to the conservation and replenishment of the fish and aquatic life in Lake Bruin. Violation of this Section constitutes a class two violation.

Acts 1974, No. 223, §2. Amended by Acts 1981, No. 837, §3.

§403. Commercial seining prohibited in Clear Lake; penalty

No person shall seine fish for commercial purposes in Clear Lake, situated in the parish of Richland. The department shall take such steps as necessary to prevent the seining of fish for commercial purposes, at any time. Violation of this Section constitutes a class two violation.

Acts 1974, No. 223, §1. Amended by Acts 1981, No. 837, §3.

§404. Use of seines, nets, or webbing in Bogue Chitto River prohibited; logging and hand grabbing of fish in Bogue Chitto River prohibited; penalty

A. The use of seines, nets, or webbing for the taking of fish in the Bogue Chitto River from where it enters the state in the northern part of Washington Parish to where it empties into Pearl River in the parish of St. Tammany, Louisiana, is prohibited.

B. The taking of fish from logs, buckets, barrels, drums, or natural or artificial nesting areas by hand grabbing shall be prohibited in the Bogue Chitto River from where it enters the state in the northern part of Washington Parish to where it empties into Pearl River in the parish of St. Tammany, Louisiana.

C. Violation of any of the provisions of this Section constitutes a class two violation.

Acts 1974, No. 223, §2; Acts 1988, No. 929, §1; Acts 1992, No. 528, §1, eff. June 29, 1992.

§405. Use of certain gear in Tchefuncte River and Lake Des Allemands prohibited; penalty

A. The use of seines, nets, webbing or traps of any and all types, including slat traps, for the taking of fish in the Tchefuncte River or its tributaries from its origin in Washington Parish to where it empties into Lake Pontchartrain in the parish of St. Tammany, Louisiana is hereby prohibited.

B. Trawling, skimming, or butterflying north of the Louisiana Highway 631 Bridge at Des Allemands, Louisiana, and in Lake Des Allemands, its streams and tributaries is hereby prohibited.

C. Repealed by Acts 1982, No. 484, §1, eff. July 21, 1982.

D. Violation of this Section constitutes a class two violation and any seines, nets, or webbing used in violation of this law shall be confiscated.

Acts 1974, No. 223, §2. Amended by Acts 1981, No. 837, §3; Acts 2007, No. 296, §1.

§406. Use of trammel net, seine, gill net, or webbing prohibited in the waters of Breton Islands and Chandeleur Islands; exceptions; penalty

A.(1) To promote the conservation of saltwater fish in the state, the use of any form of trammel net, seine, gill net, strike net, or webbing (ordinarily or historically used for the catching or taking of, or capable of fishing for saltwater finfish) is hereby prohibited in the waters as delineated in Paragraph (2) of this Subsection except as provided in R.S. 56:318 and 320.2.

(2) A description of the prohibited area is as follows:

(a) Beginning at the most northerly point on the south side of Taylor Pass at Lat. 29° 23' 18." 476 N (Y-268.131.65), Long. 89° 19' 00." 803 W. (X-2, 642,161.69).

(b) Thence run N. 32° 32' W. for 8 3/4 miles to a horizontal tank battery located in the vicinity of Battledore Reef and east of Little Battledore Island.

(c) Thence run N. 30° 47' E. for 11 miles to the Mississippi River Gulf-Outlet Channel at a lighted privately-maintained marker known as Station 49 at Lat. 29° 37' 16" N., Long. 89° 18' 31" W. and Station 50 at Lat. 29° 37' 19" N. and Long. 89° 18' 24" W.

(d) Thence N. 16° 10' E. for 8 1/2 miles to Point Chicot light.

- (e) Thence N. 20° 10' E. for 13 1/2 miles to Mitchell Key light.
- (f) Thence N. 35° 47' E. for 20 3/4 miles to Whistle Buoy at the entrance to Gulfport Channel, Lat. 30° 07' 00" N., Long. 88° 55' 08" W.
- (g) Thence S. 47° 30' E. for 4 1/2 miles to a point, one mile north of Chandeleur light.
- (h) Thence southeasterly running parallel to the present inside-outside water line as described in R.S. 56:495 one mile east offshore of Chandeleur, continue in a southerly direction one mile east along the Chandeleur Islands.
- (i) Thence continue southerly one mile offshore east of Palos Island, Boot Island, Stake Island, Curlew Island, Errol Island, Myth Shoal and Gosier Island to the Mississippi River Gulf-Outlet.
- (j) Thence southwesterly one mile east offshore of Breton Island, continuing S. 56° 45' W. for 12 miles to the point of origin.

(3)(a) It is specifically provided that nothing contained in this Section shall prohibit the use of shrimp trawls or menhaden purse seines within the described area or the use of pompano strike nets having a mesh size of not less than five inches stretched, and for the purpose of fishing pompano only and not exceeding two thousand four hundred feet in length, during the period from August first through October thirty-first of each year in waters within the described area beyond two thousand five hundred feet from land and in excess of seven feet in depth.

(b) No person using any pompano strike net in the described area as provided herein shall have in his possession any edible fish, other than pompano. The provisions of this Section are subject to quotas and size limits as established by law and rules and regulations of the commission.

(c) No person may use a pompano net in the described area unless he has first obtained a special permit which the secretary shall issue and which special permit number shall be displayed on each vessel on the roof, or in such position recognizable from the air on open boats, in block letters and numerals eight inches high, width in proportion, contrasting with the background, being fully exposed to view from the air at all times.

(d) No person shall fish for pompano in Breton Sound or Chandeleur Sound during the hours after sunset and before sunrise.

(e) Each pompano strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take pompano. The department shall not issue any tag to a person who does not have a social security number.

B. It shall be the duty of the commission to enforce this section.

C. Violation of any of the provisions of this Section constitutes a class 5-A violation, R.S. 56:35.

D. The provisions of this Section shall be self-operative and shall require no further legislative action.

Acts 1974, No. 223, §2; Amended by Acts 1974, No. 214, §1; Acts 1981, No. 837, §3; Acts 1982, No. 417, §1; Acts 1984, No. 516, §1; Acts 1984, No. 784, §1; Acts 1988, No. 889, §1, eff. July 21, 1988; Acts 1990, No. 875, §1; Acts 1991, No. 824, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1992, No. 590, §1; Acts 1995, No. 1316, §2; Acts 1997, No. 527, §1, eff. July 3, 1997; Acts 2001, No. 153, §1.

§407. Use of trammel nets, gill nets, and seines in certain areas of Lake Borgne prohibited

A. No person shall use any trammel net, gill net, or seine for the taking of fish, within one-half mile of the shoreline of Grand Island, commonly known as Half Moon Island, in Lake Borgne, or within one-half mile of the shoreline of Grassy Island, in Lake Borgne.

B. Violation of any of the provisions of this Section constitutes a class two violation.

Acts 1974, No. 223, §2. Amended by Acts 1974, No. 213, §1; Acts 1992, No. 528, §1, eff. June 29, 1992.

§408. Lake Maurepas; trawling prohibited; nets in certain areas prohibited

A. Trawling, skimming, or butterflying in Lake Maurepas is hereby prohibited.

B. The setting of any nets of any kind in Lake Maurepas within one-half mile of the beacon lights marking the mouths of the Tickfaw, Tangipahoa, Amite, and Blind Rivers and the Amite River diversion canal and Pass Manchac is hereby prohibited.

C. Violation of this Section constitutes a class two violation.

Acts 1974, No. 223, §2. Amended by Acts 1981, No. §837, §3; Acts 1986, 1st Ex. Sess., No. 19, §1, eff. Dec. 24, 1986; Acts 1987, No. 455, §1, eff. July 9, 1987; Acts 2007, No. 296, §1.

§409. Saline Lake; Iatt Lake; triploid grass carp; introduction; expenditures

A. Notwithstanding any other provision of law to the contrary, the Saline Lake Game and Fish Preserve Commission may introduce triploid grass carp (*Ctenopharyngodon idella*) into Saline Lake. This activity shall be done only under the direct supervision of the department and its biologists. All expenditures incurred in such activity shall be borne entirely by the Saline Lake Game and Fish Preserve Commission.

B. Notwithstanding any other provision of law to the contrary, the Grant Parish Police Jury may introduce triploid grass carp (*Ctenopharyngodon idella*) into Iatt Lake. This activity shall be done only under the direct supervision of the department and its biologists. All expenditures incurred in such activity shall be borne entirely by the Grant Parish Police Jury.

Acts 2004, No. 173, §1.

§409.1. Penalty for the wasting of the state's fishery resources

A. No person shall waste any fish of this state. As used in this Section, "waste" means the harvesting of any fish for commercial purposes which results in the excessive killing of such fish.

B. Any person in violation of the provisions of this Section may be subject to a civil fine by the Department of Wildlife and Fisheries in an amount not to exceed the fair market value of the fish wasted. The fair market value of such fish shall be based upon the prevailing wholesale price of the fish, if such price is available, or shall approximate the price which could otherwise be obtained for the fish.

C. The Department of Wildlife and Fisheries shall promulgate rules and regulations to assign a fair market value to fish under its jurisdiction, determine what constitutes the excessive killing of fish, and to otherwise implement the provisions of this Section, and shall subject such rules and regulations to legislative oversight by the House Committee on Natural Resources and Environment and Senate Committee on Natural Resources.

D. Civil penalties may be assessed only by a ruling of the department based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. No civil penalty shall be assessed under this Section for the wasting of fish the value of which is deemed by the department to be less than one thousand dollars.

E. Any proceeds from a fine imposed under this Section shall be placed in the Conservation Fund to be used for the purposes of the fund.

F. The provisions of this Section shall not apply to the taking or use of shrimp.

Acts 1986, No. 919, §1; Acts 2008, No. 580, §7.

§410. Trawling at night prohibited on White Lake and Grand Lake

A. Trawling, skimming, or butterflying on White Lake in Cameron and Vermilion parishes and Grand Lake in Cameron Parish from official sunset to official sunrise is hereby prohibited.

B. Violation of this Section constitutes a class two violation.

Acts 1986, No. 748, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 2007, No. 296, §1.

§410.1. Paratrawling prohibited in canals; penalty

No person shall paratrawl in any canal which is part of the waters of the state. Violation of this Section constitutes a class three violation.

Acts 1988, No. 574, §1.

§410.2. Use of trammel nets, gill nets, and strike nets in Calcasieu Lake in Cameron Parish prohibited

A. No person shall set or use any trammel net, gill net, or strike net for the taking of fish in that portion of Calcasieu Lake located in Cameron Parish including that portion of the Calcasieu Ship Channel which actually adjoins Calcasieu Lake, West and East Pass of Calcasieu River, and Turner's Bay during the hours after the official sunset on Friday and before the official sunset on Sunday of each week during the period from May first through September thirtieth of each year.

B. Violation of this Section constitutes a class two violation.

Acts 1990, No. 509, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1995, No. 583, §1.

§410.3. Sabine Lake; taking of crabs; seasons; gear; penalties

A. The commission shall establish rules regarding the times and days for the recreational and commercial taking of crabs in Sabine Lake during the inland shrimp season and may also designate the places in the lake in which crab traps or other legal gear for the taking of crabs may be used.

B. Violation of any rule or regulation adopted and promulgated by the commission in accordance with the provisions of Subsection A of this Section constitutes a class three violation.

Acts 1993, No. 285, §1.

§410.4. Caddo Lake; yo-yos or trigger devices; limit; marking required; leaving devices unattended prohibited; exception; penalty

A. No resident shall have set in the water for the taking of recreational or commercial fish in Caddo Lake more than twenty-four yo-yos or other trigger devices. Each yo-yo or other trigger device shall be clearly marked with the name and address of the user.

B. No resident shall leave a yo-yo or trigger device unattended in Caddo Lake while it is set in the water for taking fish, except from one-half hour after official sunset to two hours after official sunrise. A yo-yo or trigger device shall be deemed unattended when the user cannot be immediately located for identification therewith without leaving the location of the yo-yo or trigger device.

C. No person who is a nonresident shall set in the water, use, or leave a yo-yo or trigger device at any time in Caddo Lake.

D. Violation of any of the provisions of this Section constitutes a class three violation.

Acts 1993, No. 776, §1; Acts 1995, No. 118, §1.

§410.5. Chicot Lake; yo-yo devices; use; regulation; penalty

A. Fishing with the use of yo-yos or trigger devices shall be permitted on Chicot Lake from November first through March first of each year under the following conditions:

- (1) Not more than twenty-four yo-yos shall be allowed per boat.
 - (2) Each yo-yo must be tagged with the name of the responsible party, the registration number of the boat, and the date and the time the yo-yo was set.
 - (3) All yo-yos must be attended and retagged at least every forty-eight hours.
- B. A violation of any of the provisions of this Section shall be a class one violation.

Acts 1993, No. 508, §1.

§410.6. Calcasieu Lake in Calcasieu Parish; use of trammel nets, gill nets, strike nets, and seines

- A. No person shall set or use any trammel net, gill net, strike net, or seine for the taking of fish in that portion of Calcasieu Lake which is situated in Calcasieu Parish.
- B. Violation of this Section constitutes a class two violation.

Acts 1995, No. 583, §1.

§410.7. Black Lake, Clear Lake, and Prairie Lake; marking of nets required; permitted and prohibited fishing gear; penalties

A. No person shall set or use any net for the taking of recreational or commercial fish in Black Lake, Clear Lake, or Prairie Lake unless it has been marked with a waterproof tag with the name and address of the fisherman and his fishing license number. Violation of this provision shall be punishable by a twenty-five dollar fine payable to the Northwest Game and Fish Preserve Commission.

B. No person shall use a gill net or trammel net or leaded gill net which has less than a minimum of three and one-half inch bar and seven inches stretch. Violation of this provision shall be punishable by a twenty-five dollar fine payable to the Northwest Game and Fish Preserve Commission.

C. Any time between two hours after official sunrise and one-half hour after official sunset, no person shall leave a yo-yo or trigger device unattended while the device is set with a hook in the water. The device shall be considered unattended if the user cannot be located and identified within the immediate vicinity of the device. However, yo-yo or trigger devices may be unattended from one-half hour after official sunset until two hours after official sunrise. Violation of this provision shall be punishable by a twenty-five dollar fine payable to the Northwest Game and Fish Preserve Commission.

Acts 1995, No. 550, §1; Acts 2003, No. 1227, §1.

§410.8. Lake D'Arbonne; trotlines; use; regulation

A. All trotlines must be marked, tagged, and dated with the owner or user's name, address, phone number, and the date of placement. The trotline must be marked on each end with a floating object that is readily visible.

B. No person shall set more than three trotlines with a maximum of fifty hooks per trotline.

C. All trotlines must be removed from Lake D'Arbonne when not in use.

D. All trotlines must have an eight foot cotton leader on each end of the trotline to insure that if the trotline is left unattended, the cotton leader will deteriorate and the line will sink.

E. All trotlines must be attended daily while in service.

F. A violation of any of the provisions of this Section shall be a class one violation. Additionally, any trotline found in violation of this Section shall be immediately seized and forfeited to the department.

Acts 2003, No. 503, §1.

§410.9. Lake D'Arbonne; yo-yos, trigger devices; use, regulation; penalty

A. The use of yo-yos or trigger devices on Lake D'Arbonne shall be governed by the following terms:

(1) No more than fifty yo-yos or trigger devices shall be allowed per person.

(2) Each yo-yo or trigger device shall be clearly tagged with the name, address, and telephone number of the owner or user.

(3) When used, each yo-yo or trigger device shall be checked at least once every twenty-four hours, and all fish, and any other animal caught or hooked, shall be immediately removed from the device.

(4) Each yo-yo or trigger device must be rebaited at least once every twenty-four hours.

(5) When not being used in accordance with R.S. 56:410.8(A)(3), each yo-yo or trigger device shall be removed immediately from Lake D'Arbonne.

(6) No yo-yo or trigger device shall be attached to any metallic object.

B. A violation of any of the provisions of this Section shall be a class one violation. Additionally, any yo-yo or trigger device found in violation of this Section shall be immediately seized and forfeited to the department.

Acts 2003, No. 504, §1.

§410.10. Use of certain fishing gear on Poverty Point Reservoir; prohibition

A. No person shall possess, set, or use any recreational hoop nets, recreational wire nets, yo-yos, trotlines, or slat traps in Poverty Point Reservoir.

B. Violation of this Section constitutes a class two violation.

Acts 2005, No. 95, §1.

§410.11. Lake Saint Joseph; yo-yos, trigger devices; use, regulation; penalty

A. Fishing with the use of yo-yos or trigger devices shall be permitted on Lake Saint Joseph from December first through March fifteenth of each year under the following conditions:

(1) Not more than twenty-four yo-yos or trigger devices shall be allowed per boat.

(2) Each yo-yo or trigger device shall be tagged with the name of the owner and the owner's telephone number.

(3) Yo-yos or trigger devices shall be attached only to a tree or pier. No materials shall be nailed to a tree, and no line shall be attached from tree to tree for the purpose of attaching a yo-yo or trigger device.

B. A violation of any of the provisions of this Section shall be a class one violation. Additionally, any yo-yo or trigger device found in violation of this Section shall be immediately seized and forfeited to the department.

Acts 2010, No. 672, §1.

SUBPART C. DOMESTIC FISH FARMING

§411. Legislative findings and purpose

A. The legislature hereby recognizes that the production of aquatic organisms in private facilities in Louisiana significantly contributes to the vitality of Louisiana's economy. Additionally, as stated in R.S. 56:360.2 and 360.3, the legislature also recognizes that the introduction of nonnative aquatic organisms for the purpose of aquaculture may pose a real threat to Louisiana's native species and their environments. The purpose of this Subpart is to grant the department the authority to maintain a list of approved domesticated aquatic organisms for aquaculture and the regulatory framework for the orderly development of an aquaculture industry in the state of Louisiana, including the manner of possession, propagation, culture, management, transport, or marketing of domestic aquatic organisms and the methods for consideration of approval of new species for aquaculture. The list of approved domesticated aquatic organisms and the methods for consideration of approval of a new species for aquaculture shall be promulgated under the Administrative Procedure Act.

B. For the purposes of this Subpart the following definitions shall apply:

(1) "Aquaculture" means any activity associated with the production of fish in privately owned waters or ponds as defined in R.S. 56:8(103) and (104).

(2) "Aquatic livestock" means native, freshwater fish but does not include any freshwater game fish as defined in R.S. 56:8, any fish which is a threatened or endangered species as defined in R.S. 56:1902, or any saltwater species of fish.

(3) "Domesticated aquatic organism" shall specifically include all domesticated fish as defined in R.S. 56:8, and any aquaculturally raised fish, except aquatic livestock.

Added by Acts 1964, No. 248, §1; Amended by Acts 1974, No. 223, §3; Acts 1988, No. 778, §1; Acts 1997, No. 1237, §1; Acts 1999, No. 1022, §1; Acts 2008, No. 23, §1, eff. July 1, 2008, and §2, eff. Jan. 1, 2009; Acts 2010, No. 743, §2B, eff. July 1, 2010.

NOTE: See Acts 1997, No. 1237, §2, for exception of Atchafalaya Basin.

§412. Issuance and renewal of domesticated aquatic organism license

A.(1) Every person desiring to engage in aquaculture shall first make application in writing to the department requesting a domesticated aquatic organism license.

(2) A domesticated aquatic organism license shall be valid for one year, beginning January first of each calendar year and expiring December thirty-first of the same calendar year. The license may be purchased at any time of the year for the current license year and after November fourteenth for the immediately following license year. The cost of a domesticated aquatic organism license is fifteen dollars for residents and four hundred dollars for nonresidents. A renewal notice shall be mailed to each licensee by the department prior to the license expiration dates explaining the renewal procedures.

(3) The domesticated aquatic organism license shall authorize the bearer to transport domesticated aquatic organisms over the highways of this state. The licensee is responsible for all activities that take place under the authority of that license.

(4) Persons engaged in the business of aquaculture under this Subpart are excepted from the provisions of R.S. 56:306, and shall, by virtue of their license, be entitled to sell domesticated aquatic organisms in any size, quantity, or limit without restriction within the state or outside of the state. Creel limits shall not apply to shipments or transport of domesticated aquatic organisms under the provisions of this Subpart.

(5) No person engaged in the business of aquaculture nor any other person may use public bodies of water to propagate, raise, feed, or grow any species of fish. The use of cages, pens, and

fenced-off portions of such water bodies for propagating, raising, or growing any species of fish is prohibited.

(6) Species of rock bass, white bass, yellow bass, crappie, and bream fingerlings not exceeding a maximum total length of three inches; spotted bass and striped bass fingerlings not exceeding a maximum total length of ten inches; and largemouth bass of any size may be brought into the state by and from legal and certified out-of-state commercial fish hatcheries for sale to persons for stocking ponds and approved public waters located in Louisiana and may be sold by permitted residents in accordance with the provisions of this Subsection. Creel limits shall not apply to shipments of such game fish fingerlings.

(7) The department shall have the authority to cancel sales or to confiscate and destroy shipments of fish fingerlings that are determined by department personnel to have fish diseases or parasites that would endanger native fish populations.

(8) The department may issue permits to residents to authorize the raising of all types of bass, crappie, and bream in the state as specified in this Subpart for the purpose of selling to consumers in this state for stocking of private ponds and lakes and approved public waters and for the purpose of selling to consumers in other states. The manner of raising, harvesting, and selling these game fish shall be governed by administrative rules and regulations promulgated by the commission.

(9) With the exception of game fish, the provisions of this Section shall not apply to research or other projects being conducted by the Louisiana State University Agricultural Center or by other schools or programs specifically authorized by the Board of Regents with the concurrence of the department, including but not limited to the sale or distribution of the research by-products, such as eggs, fingerlings, and fish, and other products grown under aquacultural conditions.

B. Violation of any of the provisions of this Section constitutes a class three violation.

Added by Acts 1964, No. 245, §1; Amended by Acts 1966, No. 242, §1; Acts 1970, No. 77, §1; Acts 1974, No. 223, §3; Acts 1984, No. 230, §1, eff. June 29, 1984; Acts 1986, No. 1008, §1; Acts 1987, No. 92, §2; Acts 1987, No. 534, §2; Acts 1987, No. 851, §2; Acts 1988, No. 778, §1; Acts 1990, No. 251, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1997, No. 1237, §1; Acts 1999, No. 1022, §1; Acts 2008, No. 23, §1, eff. July 1, 2008.

NOTE: *See Acts 1997, No. 1237, §2, for exception of Atchafalaya Basin.*

§413. Harvest and sale of domesticated aquatic organisms

Harvest and sale of domesticated aquatic organisms produced in private artificial reservoirs or enclosures located on privately owned property may be carried out at the time desired by the grower and with seines or tackle selected by the owner. Persons engaged in aquaculture, as defined in this Subpart, shall be entitled to transport, without restriction, on the public roads and highways of this state any and all equipment, except any electric fish shocking devices, necessary for the harvest of domesticated aquatic organisms produced in privately owned waters.

Added by Acts 1964, No. 245, §1. Amended by Acts 1966, No. 242, §1; Acts 1974, No. 223, §3; Acts 1997, No. 1237, §1; Acts 2008, No. 23, §1, eff. July 1, 2008.

NOTE: *See Acts 1997, No. 1237, §2, for exception of Atchafalaya Basin.*

§414. Penalties

Except as otherwise provided herein, violation of any provision of this Subpart constitutes a class two violation.

Added by Acts 1964, No. 245, §1. Amended by Acts 1966, No. 242, §1; Acts 1974, No. 223, §3; Acts 1981, No. 837, §3; Acts 1992, No. 528, §1, eff. June 29, 1992.

§415. Exemption; aquatic livestock farmers

A. The provisions of this Subpart shall not apply to the production and harvesting of aquatic livestock in private ponds, or to the transporting of aquatic livestock from a private pond to the first point of sale, or to the sale to the first purchaser of aquatic livestock which are produced and harvested in private ponds.

B. The Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries shall not have jurisdiction over any activities or transactions exempted by this Section. The Department of Agriculture and Forestry shall have jurisdiction over activities exempted by this Section.

Acts 1987, No. 92, §1; Acts 1987, No. 534, §1; Acts 1987, No. 851, §1; Acts 1995, No. 543, §2; Acts 2010, No. 743, §2B, eff. July 1, 2010.

SUBPART D. OYSTERS AND OYSTER INDUSTRIES**§421. Oyster Task Force**

A. There is hereby established the Oyster Task Force to study and monitor the molluscan industry and to make recommendations for the maximization of benefit from that industry for the state of Louisiana and its citizens.

B. The task force shall be composed as follows:

- (1) The governor's executive assistant for coastal activities or his designee.
- (2) Two members appointed by the secretary of the Department of Wildlife and Fisheries.
- (3) One member appointed by the secretary of the Department of Natural Resources.
- (4) One member appointed by the secretary of the Department of Health and Hospitals.
- (5) Four members appointed by the Louisiana Oyster Dealers and Growers Association. One member appointed under the provisions of this Paragraph shall be from Lafourche Parish and one member shall be from Jefferson Parish.
- (6) Two members appointed by the Plaquemines Oyster Association.
- (7) One member appointed by the Terrebonne Oyster Association.
- (8) One member appointed by the Calcasieu Lake Oyster Task Force.
- (9) One member appointed by the Southwest Pass Oyster Leaseholder Association.
- (10) Two members appointed by the United Commercial Fisherman's Association.
- (11) One member appointed by the Delta Commercial Fisherman's organization.
- (12) One member who has voting authority and is an oyster grower appointed by the president of the Louisiana Farm Bureau Federation.
- (13) One member appointed by the executive director of the Office of Coastal Protection and Restoration.
- (14) One member appointed by the Louisiana Oystermen Association.

C. The members appointed under the provisions of Paragraphs (B)(1) through (4) and (13) of this Section shall be nonvoting members. However, they shall be considered members of the task force for determination of the number of members necessary for a quorum and for establishing the presence of a quorum.

D. The task force shall adopt bylaws under which it shall operate, and seven members of the task force shall constitute a quorum sufficient to conduct meetings and business of the task force. The task force shall elect a chairman from its membership and may seek and receive assistance from universities within the state in the development of methods to increase production and marketability of molluscan shellfish. The members of the task force shall serve without compensation; however, the task force may receive the same reimbursement of travel expenses for attending the meetings as is allowed for other state employees' travel.

E. The task force is hereby charged with responsibility to do the following:

(1) Monitor the water quality and management requirements of the state's molluscan shellfish propagating areas.

(2) Coordinate efforts to increase oyster production and salability.

(3) Study the decline in molluscan shellfish salability, the degradation of water quality which could adversely affect consumer health, and the reasons for such declines and degradations, and make recommendations to resolve such problems.

(4) Make recommendations with respect to issues pertaining to the oyster industry and oyster production to the various state agencies charged with responsibility for differing elements of the oyster industry in this state, including the Department of Wildlife and Fisheries, the Department of Natural Resources, and the Office of Coastal Protection and Restoration, the Department of Health and Hospitals, the governor's executive assistant for coastal activities, and the legislature.

F. The activities of the Oyster Task Force shall be funded through the Oyster Development Account of the Seafood Promotion and Marketing Fund as provided in R.S. 56:10(B)(1)(a).

Acts 1999, No. 439, §2; Acts 2003, No. 278, §1; Acts 2008, No. 103, §1; Acts 2009, No. 523, §4, eff. July 10, 2009; Acts 2010, No. 264, §1.

§422. Regulation of industry; residence of persons engaging in; employment of labor and vessels

A. Any bona fide resident of this state, any firm or association composed of citizens or residents of this state, or any corporation domiciled in or organized under the laws of this state, having a factory or shucking plant or places of business located within this state, may catch and take, can, pack, shuck, or deal in or transport oysters from the waters of this state, and may lease bedding grounds for the cultivation and propagation of oysters for any of those purposes within any waters within the territorial jurisdiction of the state, upon the terms and conditions and subject to the restrictions and regulations herein set forth, or under the authority which may be imposed by the commission.

B. Except as otherwise provided in this Subpart no person not a resident of or domiciled in this state shall catch, take, can, pack, shuck, or deal in, within this state, any oysters taken from the waters of this state, or lease any bedding grounds for the cultivation and propagation of oysters for any of the above purposes.

C. Any person properly licensed to operate in the oyster industry in this state may employ such labor, resident or nonresident, as required, and may employ such vessels and their crews, resident or nonresident, as required, upon the vessels being properly licensed. This right to employ nonresident labor or nonresident vessels is confined to the operation of any licensees as carried on within the state.

D. Whoever violates any of the provisions of this Section has committed a Class Two violation and shall be punished as provided for in Part II.

E. The commission may promulgate rules and regulations, including emergency rules, under the provisions of the Administrative Procedure Act to provide for the operation of oyster cargo vessels.

The rules shall require that each person in charge of an oyster cargo vessel shall purchase an oyster cargo vessel permit. The permit shall be issued at a cost of two hundred fifty dollars per year for residents and one thousand one hundred five dollars per year for nonresidents. The rules and regulations also may include but shall not be limited to provisions to provide for the following:

- (1) Commercial oyster fishermen transferring oysters on the water to a cargo vessel.
- (2) Compliance with refrigeration requirements and record requirements.
- (3) Requiring the use of a vessel-monitoring system.
- (4) Allowing for adequate enforcement.
- (5) A violation of any rule or regulation adopted under the provisions of this Subsection shall be a Class Four violation.
- (6) Funds received from issuance of the oyster cargo vessel permits being used for enforcement of the oyster laws and rules and regulations.
- (7) All other provisions necessary for the implementation of this Subsection.

Acts 1981, No. 925, §1; Acts 2008, No. 321, §1, eff. June 17, 2008.

§423. Property rights, larceny or other public offense concerning; leases heritable and transferable; adjudication of claims

A. A lessee shall enjoy the exclusive use of the water bottoms leased and of all oysters and cultch grown or placed thereon, subject to the restrictions and regulations of this Subpart and Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950. This exclusive use of water bottoms is subordinate to the rights or responsibilities of the state, any political subdivision of the state, the United States, or any agency or agent thereof, to take any action in furtherance of coastal protection, conservation, or restoration. For purposes of this Subpart, "coastal protection, conservation, or restoration" means any project, plan, act, or activity for the protection, conservation, restoration, enhancement, creation, preservation, nourishment, maintenance, or management of the coast, coastal resources, coastal wetlands, and barrier shorelines or islands, including but not limited to projects authorized under any comprehensive coastal protection master plan or annual coastal protection plan issued pursuant to Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950.

B.(1) A lessee of oyster beds or grounds who has obtained, recorded, and marked his lease in compliance with the law shall have the right to maintain an action for damages against any person, partnership, corporation, or other entity causing wrongful or negligent injury or damage to the beds or grounds under lease to such lessee. However, no lessee shall have any right to maintain any action against the state, any political subdivision of the state, the United States, or any agency, agent, contractor, or employee thereof for any claim arising from any project, plan, act, or activity in relation to coastal protection, conservation, or restoration, except as provided in R.S. 56:427.1.

(2) No person shall trawl or seine or use skimmer nets over any area of privately leased bedding grounds or oyster propagating place in the year immediately following the seeding of such area which is staked off, marked, or posted as required by law or regulation. Any person who knowingly trawls or uses skimmer nets upon such marked areas shall be liable for damages caused to the lessee. A violation of this Paragraph shall be a class three violation.

(3) Any action for damages under this Section shall be brought within one year of the occurrence of the wrongful or negligent act, or within one year of the date of discovery of such act, whichever last occurs.

C. In case of infringement of the interest in the taker or possessor, the taker or possessor may, in his own name, maintain his proper action against the wrongdoer. In case of larceny or other

public offense concerning such oysters while in the hands of a lawful taker or possessor, or upon bedding grounds held by a lawful lessee, the ownership thereof shall be averred in the lessee, taker, possessor, when by law it is necessary to aver ownership.

D. No claim to any water bottoms suitable for oyster culture by any person shall be valid until adjudicated upon by a court of competent jurisdiction in a suit between the state and the claimant. The claimant by virtue hereof may institute suit against the state in any court of competent jurisdiction for the legal determination of the validity of his claims, without the necessity of a special legislative act authorizing suit. The effect of the judgment is limited to an adjudication of the question of title.

E. All leases, all applications of deceased persons for leases, and all property rights or interests acquired pursuant to such leases, made in conformity with the provisions of this Subpart are heritable and transferable. They are subject to mortgage, pledge or hypothecation, and to seizure and sale for debt, as any other property rights and credits in this state. This provision also applies to all buildings, betterments, and improvements thereon. No such inheritance or transfer is valid or of any force or effect whatsoever unless evidenced by an authentic act, judgment, or proper judicial deed registered in the office of the department in a book provided for that purpose. The department shall keep proper indexes, so that all original leases and all subsequent changes and transfers can be easily and accurately ascertained.

Acts 1981, No. 925, §1; Acts 1990, No. 858, §1; Acts 1990, No. 889, §1, eff. July 25, 1990; Acts 1991, No. 788, §1; Acts 1992, No. 845, §1; Acts 1995, No. 234, §1; Acts 2006, No. 425, §1, eff. June 15, 2006.

NOTE: See Acts 1992, No. 845, §2.

§424. Taking of oysters

A.(1) No person shall take oysters from any of the waters of the state or have such oysters in possession except in accordance with rules and regulations promulgated by the commission. For the purpose of this Subpart, all oysters in possession of any person in the state shall be deemed to be oysters taken from the waters of the state. Except as otherwise provided herein, the taking of oysters is prohibited in the water bottoms of the state of Louisiana.

(2) No person, except a Louisiana resident sixteen years of age or under, and except the spouse of a vessel's owner while on that vessel, shall harvest oysters unless he possesses a valid oyster harvesting license.

B. An oyster lessee may work on his private oyster lease, or he may designate an agent to harvest oysters on his lease with written permission, which shall be carried on the boat and subject to inspection. Such written permission shall specify a starting date and a termination date during which period the written permission will be valid.

C. Recreational oyster fishermen may harvest oysters in leased areas with the written permission from the lease holder, in personal leased areas, and in areas open to the public for the harvesting of oysters, but shall be limited to two sacks per person per day.

D. Except as otherwise provided herein, violation of any of the provisions of this Section constitutes a class four violation. Any person, common carrier, or any agent or officer thereof, who violates any of the provisions of this Section shall at the time of arrest surrender all permits or licenses held by the vessel. The captain, person, agent, officer, crew, or members thereof by whom or under whose direction the vessel was used in the illegal taking of oysters may be charged with a violation and may be ordered to pay all costs of prosecution.

E.(1) No person shall harvest, possess, sell, barter, trade, purchase, or exchange or attempt to sell, barter, trade, or exchange oysters in the state of Louisiana or in interstate commerce unless such oysters are taken from areas approved by the state health officer in accordance with R.S. 40:5.3. Unless otherwise permitted by the Department of Wildlife and Fisheries, when any vessel is found to be harvesting within an unapproved or closed area, all oysters on board the vessel shall be deemed

to have been taken from unapproved or closed waters and shall be deemed to constitute a hazard to the safety, health, and welfare of the citizens of the state. In addition, no oysters taken from sources outside of Louisiana shall be sold in Louisiana, unless taken from areas approved by the state authorities having jurisdiction, and unless secured from oyster dealers whose state certifications have been endorsed by the United States Food and Drug Administration Public Health Services for interstate shipment. All oysters found in violation of this Paragraph shall be seized and ordered returned to the water. Any violation of this Paragraph shall constitute a class four violation under the provisions of R.S. 56:34.

(2) In addition to all other penalties provided hereunder, whoever violates this Subsection shall have oyster harvester's license or licenses under which the violation occurred revoked for the period for which it or they were issued. For the first offense, the license or licenses shall not be reinstated for one year thereafter. For the second and subsequent offenses, the license or licenses shall not be reinstated for three years thereafter.

F.(1) The act of culling oysters, which is the act of discarding undersized oysters or dead shell, shall be performed only on the open state designated public grounds or leases on which the fisherman is authorized to take oysters. At no time will the act of culling oysters be permitted in areas closed to harvesting oysters.

(2) Provisions of Paragraph (1) herein notwithstanding, the secretary may grant permits for culling and oyster harvesting to those individuals involved in molluscan depuration operations and container relaying operations on a case-by-case basis, provided that the individuals conducting such operations have fully complied with the rules and regulations of the office of public health and have been issued a permit by that office to conduct such operations.

(3) Violation of any of the provisions of this Subsection constitutes a class three violation.

G.(1) Except as otherwise provided in this Subpart, all oysters taken from the reefs of this state either for sale or consumption shall be landed in Louisiana, properly sacked or containerized and tagged in accordance with the provisions of R.S. 56:449, and the severance tax levied in R.S. 56:446 paid thereon; however, a lessee legally harvesting oysters which have been properly tagged from his own lease may land those oysters outside the state under a permit issued pursuant to rules and regulations promulgated by the department. Any fees proposed in said rules shall not exceed one hundred dollars.

(2) Any person who obtains a permit to land oysters outside the state under the provisions of this Subsection shall be required to install and use a vessel monitoring system on each vessel that will be used to transport oysters taken in Louisiana waters to another state for landing. Access to the monitoring system shall be granted to the Department of Wildlife and Fisheries. The department shall promulgate rules and regulations necessary to implement the provisions of this Paragraph.

H. Notwithstanding the provisions of this Section, employees or assigns of the Office of Coastal Protection and Restoration may survey or remove, as a sample, oysters from an oyster lease on state water bottoms in order to make determinations in matters of integrated coastal protection. In order to make such surveys or take such samples, the employees or assigns of the Office of Coastal Protection and Restoration shall first notify the leaseholder in writing of the date and time of the survey or sample at least fifteen days prior to the survey or sampling date. This notification shall be sent by certified mail to the leaseholder at the address on file with the Department of Wildlife and Fisheries. The leaseholder may accompany the person conducting the survey or taking the sample during the survey or sampling or may authorize another person to accompany the person conducting the survey or taking the sample. Such surveys shall be conducted in the manner provided in procedures promulgated by the Office of Coastal Protection and Restoration after consideration of recommendations by the Louisiana Oyster Task Force.

I. The state of Louisiana, political subdivisions of the state, the United States, and any agency, agent, contractor, or employee of any of these entities, shall not be subject to any obligation, responsibility, or liability in relation to or resulting from any surveying or sampling of any oyster lease, information provided to any lessee in relation to any surveying or sampling of any oyster lease,

the timing of any acquisition of any part of any lease by the state pursuant to R.S. 56:432.1, the lack of acquisition of any part of any lease except as provided in R.S. 56:432.1, or any report pursuant to R.S. 56:432.2 or otherwise.

Acts 1981, No. 925, §1; Acts 1985, No. 656, §1; Acts 1985, No. 875, §1, eff. July 23, 1985; Acts 1987, No. 924, §1; Acts 1988, No. 1, §3, eff. May 12, 1988; Acts 1989, No. 84, §1, eff. June 16, 1989; Acts 1989, No. 238, §1, eff. June 26, 1989; Acts 1989, No. 516, §1; Acts 1990, No. 874, §1; Acts 1991, No. 484, §1; Acts 1991, No. 564, §1; Acts 1992, No. 51, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1993, No. 68, §1; Acts 1995, No. 189, §1; Acts 1995, No. 234, §1; Acts 2001, No. 152, §1; Acts 2003, No. 451, §1; Acts 2004, No. 211, §1; Acts 2004, No. 221, §1; Acts 2006, No. 425, §1, eff. June 15, 2006; Acts 2007, No. 310, §1; Acts 2009, No. 523, §4, eff. July 10, 2009.

§424.1. Illegal taking of oysters; penalties

A. In addition to the penalties contained in R.S. 56:424, 431, 433, or 433.1, for any person convicted of a first offense for any violation of the provisions of R.S. 56:424, 431, 433, or 433.1, the court may order the offender, for one year after the date of such conviction, to harvest oysters only from a vessel that employs a vessel monitoring system. For any person convicted of a second offense of the provisions of R.S. 56:424, 431, 433, or 433.1, the court shall require the offender, for three years after the date of such conviction, to harvest oysters only from a vessel that employs a vessel monitoring system. For any person convicted of a third or subsequent offense, the court shall require the offender, for ten years after the date of such conviction, to harvest only from a vessel that employs a vessel monitoring system.

B. Whenever a person is required to employ a vessel monitoring system, access to the monitoring system shall be granted to the Department of Wildlife and Fisheries. Each person required to employ such monitoring system under the provisions of this Section shall notify the department on which vessel he will be harvesting oysters. Any person required to be on board a vessel with an approved vessel monitoring system when harvesting oysters shall comply with all rules and regulations adopted by the department to ensure compliance with vessel monitoring system requirements. The cost of a vessel monitoring system shall be the responsibility of the person required to be on such vessel. The department shall determine which vessel monitoring systems are approved for use under the provisions of this Section.

C. Any person required to be on board a vessel with an approved vessel monitoring system who is found harvesting oysters from a vessel not equipped with such vessel monitoring system shall have his harvester's license suspended for the remainder of the license year in which he was convicted of violation of the vessel monitoring system requirement, and he shall not be eligible for a harvester's license for the following year.

D. The department shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

Acts 2007, No. 310, §1; Acts 2009, No. 376, §1.

§425. Lease of water bottoms; stipulations; boundary disputes

A. The secretary may lease to any resident, any firm composed of residents, or any corporation domiciled in or organized under the laws of this state any state-owned water bottoms and natural reefs in the water bottoms of this state under the limitations stipulated or authorized in this Subpart. No lease shall be granted until a reasonable investigation into the question of ownership is complete and, based on the findings, a determination is made that the state owns the water bottoms to be leased. Any lease for the taking of oysters granted by the secretary prior to June 15, 2006 which affects privately owned water bottoms shall be subordinate to the rights of the private landowner or recorded land title owner effective on that date.

B. All leases and renewals of leases made under the provisions of this Subpart shall stipulate as a matter of contract that the lessee will operate both under the laws of this state and the rules and regulations of the department.

C. The secretary may make such stipulations in the leases made by him as he deems necessary and proper to develop the industry; however, these stipulations must be consistent with the provisions of this Subpart. The secretary may also make such stipulations as he deems necessary and proper in relation to coastal protection, conservation, or restoration.

D. The department may fully settle all disputes as to boundaries between lessees of bedding grounds, subject to appeal to any court of competent jurisdiction.

E. No lease shall be granted for any water bottom for which any lease was previously acquired by the state for integrated coastal protection, unless the executive director of the Office of Coastal Protection and Restoration determines that leasing would otherwise be appropriate under the provisions of this Subpart and the executive director of the Office of Coastal Protection and Restoration affirms that the water bottom is not necessary for integrated coastal protection. Unless this determination has been made prior to issuance of the lease, a lease of water bottom for which a lease was previously acquired shall be null and void for such water bottom and shall be of no force or effect. No person shall have any claim against the state of Louisiana, its political subdivisions, the United States, or any agency, agent, contractor, or employee thereof or any other person in relation to the nullity of such lease.

Acts 1981, No. 925, §1; Acts 1987, No. 458, §1; Acts 1987, No. 809, §1; Acts 2006, No. 425, §1, eff. June 15, 2006; Acts 2009, No. 523, §4, eff. July 10, 2009.

§426. Filing and recordation of water bottoms leases

A. Leases shall be executed in duplicate and a copy of the plan of survey annexed thereto. One duplicate shall be delivered to the lessee and the other retained by the department and registered in a lease book for that purpose.

B. All persons to whom water bottoms leases are granted shall, within thirty days following the granting thereof, record an executed copy of such lease or leases, together with a plat or map of survey indicating the area affected, in the conveyance records of the parish or parishes of the state of Louisiana in which the area is located. Within twenty days from such recordation, certified copies of the plat or map of survey shall be filed with the department. Transfers of leases from one person to another shall be likewise recorded and filed.

C. If a lease is not recorded and filed within the time periods provided above, no third party shall be bound or affected by the provision of that lease, until such time as it is properly recorded and filed. There shall be no claim against the state of Louisiana for the disregard of the provisions of any lease not properly recorded and filed in accordance with foregoing, nor shall there be any claim against the department, the register of the state land office, or the State Mineral and Energy Board, for the disregard of the provisions of any lease which has not been properly filed with the respective agency involved.

D. All leases of water bottoms for oyster culture previously granted and not filed and recorded as provided for in this Subpart, and all such leases hereafter granted, and not recorded as provided herein, shall be subordinate to the rights of the state of Louisiana, its agencies and lessees, with respect to the granting of mineral and shell leases and the exercise of rights thereunder. The renewal or extension of the term of an existing oyster lease shall not be deemed a new lease, but a renewal or extension shall be recorded no later than six months after the expiration of the term of the previous lease.

Acts 1981, No. 925, §1; Acts 2009, No. 196, §9, eff. July 1, 2009; Acts 2010, No. 267, §1.

§427. Initial application for lease

A. Any person who qualifies under this Subpart and who desires to lease a part of the bottom or bed of any of the waters of this state as provided in this Subpart shall present to the secretary a written application, and pay an application fee set by the commission. This application shall contain the name and address of the applicant and a reasonably definite description of the location and amount of land covered by water desired by the applicant. The applicant shall ask that the application be registered and that the water bottom described be leased to the applicant under the provisions of this Subpart. The department shall then register the application, shall order an examination to determine whether the water bottoms applied for are leasable, and shall determine the basis upon which the rental of the lease shall be fixed. If the area is found to be leasable, the applicant shall submit to the department a survey of the area for which the application was submitted. Such survey shall have been conducted in accordance with the standards required by the department. The application shall remain in effect and valid until such time as the survey is complete. If the application is favorably acted upon, the secretary may, at his option, execute a lease for the water bottoms to the applicant as soon as the survey has been made, and the plan or map thereof has been filed with the department.

B. When applications are made by two or more persons for the same water bottoms, the applicant or the heirs or transferors of a deceased applicant who files the first application has prior claim. The department shall not accept any survey plan for any lease that exceeds by ten percent the acreage described in the initial application for the particular lease from the date of adoption of this Subsection, except that the department may accept any lease application, even where the survey plan exceeds by ten percent the acreage described in the initial application, if the lease would not overlap or impact surrounding leases or pending lease applications.

C. The department shall require that the bottoms of water areas to be leased be as compact as possible, taking into consideration such factors as the shape of the body of water, and the condition of the bottom as to hardness or softness which would render it desirable or undesirable for the purpose of oyster cultivation.

D. The provisions of this Section shall apply only to the initial application for an oyster lease, and not to the renewal of a lease.

E. No application for a new lease shall be submitted nor accepted for more than one thousand acres.

Acts 1981, No. 752, §1; Acts 1981, No. 925, §1. Amended by Acts 1982, No. 315, §1; Acts 1990, No. 889, §1, eff. July 25, 1990; Acts 1997, No. 1048, §1; Acts 2003, No. 449, §1; Acts 2010, No. 392, §1.

§427.1. State, political subdivisions of the state, and the United States held harmless in coastal restoration

A. Except as provided in Subsection C of this Section, the state of Louisiana, political subdivisions of the state, the United States, and any agency, agent, contractor, or employee thereof shall be held free and harmless from any claims arising under any oyster lease, renewal, or extension granted to any individual or other entity for any purpose from diversions of fresh water or sediment, dredging or direct placement of dredged or other materials, or any other actions taken for the purpose of coastal protection, conservation, or restoration.

B. All oyster leases, renewals, or extensions granted to any individual or other entity shall include language which shall hold harmless from all claims provided for in Subsection A of this Section the state, political subdivisions of the state, the United States, and any agency, agent, contractor, or employee thereof.

C.(1) A leaseholder whose oyster lease is acquired in whole or in part by the Office of Coastal Protection and Restoration pursuant to R.S. 56:432.1 for dredging, direct placement of dredged or

other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection may seek compensation from the Office of Coastal Protection and Restoration pursuant to that Section.

(2) A leaseholder may seek acquisition and compensation from the Office of Coastal Protection and Restoration pursuant to R.S. 56:432.1 for any portion of an oyster lease that is not acquired by the Office of Coastal Protection and Restoration and upon which dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection has occurred.

Acts 2000, 1st Ex. Sess., No. 107, §1; Acts 2006, No. 425, §1, eff. June 15, 2006; Acts 2009, No. 523, §4, eff. July 10, 2009.

§428. Commencement and duration of lease; renewal; fixing of rental rates

A. All leases made under the provisions of this Subpart shall begin on the day the lease is signed and continue for a period of fifteen years. The owners of expiring leases have first right of renewal of their leases. However, this right to renewal shall be subject to the provisions of this Subpart. Leases carry the first right of renewal for successive periods of fifteen years each, provided the lease is capable of supporting oyster populations. Renewals shall be executed by the secretary and shall be made subject to both the provisions of this Subpart and to the rules and regulations established by the department.

B. The secretary has sixty days from the date of expiration of a lease to execute a renewal lease. If a renewal lease is not executed within this sixty-day period, the lease is automatically renewed. In either situation, the fifteen-year period of the renewal lease shall begin on the first day following the expiration date of the prior lease, and the renewal lease shall be assigned the same number used for the prior lease with the addition of a designation to indicate which year the lease was renewed. If a leaseholder wishes to change the configuration of his lease in accordance with the department's rules governing leased areas, a resurvey and plan of the water bottom shall be made by the leaseholder in accordance with the standards required by the department and a copy supplied to the department. The department may resurvey any lease for potential conflicts with department rules and regulations. If the department determines that a resurvey will be conducted, the leaseholder shall be given ten days written notice of the scheduled resurvey by the department and may be present at the resurvey.

NOTE: *That portion of Subsection C which requires payment of lease rentals by Dec. 31 of each year is suspended through the 60th day after final adjournment of the 2011 R.S. by Acts 2010, No. 979, §2.*

C. The commission shall fix the rate of rental for oyster leases at two dollars per acre per year. The rate of rental fixed by the commission shall apply to all leases executed by the secretary. For the purpose of calculating the rental due for a lease, the amount of acreage covered by the lease shall be rounded off to the nearest full acre. The rent must be paid no later than the thirty-first of December following the signing of the lease, and annually thereafter, in advance on or before the first day of January, whether the lease be held by the original lessees or by an heir, assignee, or transferee.

Acts 1981, No. 925, §1. Amended by Acts 1982, No. 317, §1; Acts 1989, No. 504, §1; Acts 1997, No. 305, §1; Acts 1997, No. 434, §1; Acts 2006, No. 425, §1, eff. June 15, 2006; Acts 2010, No. 392, §1; Acts 2010, No. 979, §2.

NOTE: *See Acts 2005, 1st Ex. Sess., No. 17, for applicability to 2006 renewals.*

§§428.1-428.3. Repealed by Acts 2006, No. 425, §2, eff. June 15, 2006.

§429. Default in payment of rent; cancellation and forfeitures

The failure of the tenant to pay the rent punctually on or before the first of each January, or within thirty days thereafter, ipso facto and without demand or putting in default, terminates and cancels the lease and forfeits to the department all the works, improvements, betterments, and oysters on the leased water bottoms. The department may at once enter on the water bottoms and take possession thereof. Such water bottoms shall then be open for lease in accordance with R.S. 56:425 to the highest bidder. Ten days thereafter the department shall enter the termination, cancellation, and forfeiture on its books and give public notice thereof by publication in one local paper in the parish where the leased water bottoms are located. The department may waive the termination, cancellation, and forfeiture, provided the rent due with ten percent additional is paid at any time before the water bottoms are leased to another person.

Acts 1981, No. 925, §1; Acts 2006, No. 425, §1, eff. June 15, 2006.

NOTE: *See Acts 2005, 1st Ex. Sess., No. 17, for applicability to 2006 renewals.*

§430. Additional lease stipulations

A. *Repealed by Acts 2001, No. 438, §2.*

B.(1) Lessees, under the supervision of the department, shall stake off and mark the leased water bottoms by ranges, monuments, stakes, buoys, and the like, in order to locate accurately and fix the limits of each lease by prominently marking such leased water bottoms with signs which state the lease number or name or initials of the leaseholder. Oysters shall not be harvested from any unmarked lease.

(2) For purposes of preventing trawling in seeded areas under R.S. 56:423(B), lessees shall clearly mark and delineate as required by law or regulation the area which has been seeded. A lease shall be posted with prominent, durable signs stating "NO TRAWLING OR SEINING-OYSTER LEASE".

(3) A violation of this Section shall be a class two violation.

Acts 1981, No. 925, §1. Amended by Acts 1982, No. 314, §1; Acts 1991, No. 567, §1; Acts 1991, No. 788, §1; Acts 1992, No. 222, §1; Acts 2001, No. 438, §2.

§430.1. *Repealed by Acts 2006, No. 425, §2, eff. June 15, 2006.*

§431. Unlawful removal of oysters or signs from leased propagating grounds; instructions to captain and crew of vessels; penalty

A. No person shall knowingly or willfully take, carry away, or attempt to take or carry away, without permission of the lessee, any oysters, shell, or cultch from the water bottoms of the Gulf of Mexico or the lakes, bays, inlets, lagoons, rivers, bayous, or other waters tributary thereto or connecting therewith, within the jurisdiction of the state where the bottoms are, at the time of such taking, let or leased to any person under the laws of Louisiana, for the purpose of bedding, planting, propagating, or cultivating oysters.

B. No person shall knowingly or willfully remove, break off, destroy, or otherwise injure or alter any stake, monument, bounds, buoy, sign, or other designation of bedding or propagating ground placed thereon by the lessee, or knowingly or willfully move from any bedding ground any stake, monument, bounds, buoy, sign, mark, or other designation placed thereon by the department or in accordance with its regulations or any Sections in this Subpart.

C. All owners or employers of vessels engaged in the oyster industry in this state shall issue typewritten instructions to the captains and crews in charge of the vessels, calling attention to the provisions of this Section. These instructions shall be duly executed before a competent notary by

the parties interested, the original to be kept by the department and duplicate to be had in possession at all times by the captain of the vessel. This duplicate shall be shown on demand of any officer or agent of the department. Lack of possession of such document on a vessel, or a refusal to show the same, is prima facie evidence that the paper does not exist.

D. Violation of any of the provisions of this Section constitutes a class six violation. The imposition of these penalties does not bar the prosecution and conviction of the wrongdoer under the criminal statutes of this state.

Acts 1981, No. 925, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1999, No. 120, §1.

§431.1. Devices to protect oysters from predation; use on leased acreage

A. The Department of Wildlife and Fisheries may permit the use on leased acreage of devices to protect oysters from predation. The permit shall be issued to a leaseholder and shall not be transferrable. Such devices shall be in compliance with all existing state and federal fishing laws and regulations. Notwithstanding any law to the contrary, any device permitted under the provisions of this Section may be transported or used in compliance with the provisions of this Section. The department shall promulgate, in accordance with the Administrative Procedure Act, rules and regulations for such a permit. The rules shall at a minimum specify the following:

(1) That the application for the permit shall be accompanied by an application fee of one hundred dollars, and the fee for the permit shall be fifty dollars per acre permitted, not to exceed one thousand dollars.

(2) That the material used for the device shall:

(a) Not be monofilament or multifilament.

(b) Not be made to resemble, appear, or be construed to be a gill net, trammel net, or strike net as those terms are defined in R.S. 56:8, or any type of device which might entangle marine life.

(c) Be approved by the Wildlife and Fisheries Commission and the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources. The rules shall establish the procedure for such approval, including timetables.

(3) That the material authorized for such device shall have no openings that exceed one and one-quarter inch bar or two and one-half inches stretched.

(4) That the vertical profile of the device shall not raise the water bottom by more than one-half foot or shall be limited to one-tenth of the depth of the water where the device is located, whichever measure is larger, and that the device shall not restrict the free passage of fish and other marine life over the device.

(5) Requirements for reporting data or other information by the leaseholders necessary for the department to monitor the activities under the permit.

(6) Enforcement penalties for permit violations shall be considered a class four violation.

B. The area permitted for use of a device to protect oysters from predation shall not exceed ten acres per lease site, and each lease site shall be limited to the use of only one device. The area permitted shall meet the standards set forth by the Department of Health and Hospitals in its oyster regulations. The device must comply with United States Coast Guard regulations relative to navigation and markings. Prior to application to the Department of Wildlife and Fisheries for a permit to use a device, the leaseholder shall have obtained all other local, state, and federal permits necessary for such activity, including a coastal use permit.

C. The department may permit the use of devices to protect oysters from predation on no more than one hundred acres east of the Mississippi, no more than one hundred acres between the

Mississippi River and Bayou Lafourche, no more than one hundred acres between Bayou Lafourche and the Atchafalaya River, and no more than one hundred acres west of the Atchafalaya River. The permit issued by the Department of Wildlife and Fisheries shall authorize use of a device only during the months of March, April, October, and November. The permit shall require liability insurance to be held by the leaseholder sufficient to cover any damages that might occur as a result of the use of such device.

D. Repealed by Acts 2010, No. 263, §1.

Acts 2005, No. 438, §1, eff. July 11, 2005; Acts 2008, No. 580, §7; Acts 2010, No. 263, §1.

§432. Territorial limitations

No person, partnership, or corporation shall lease more than two thousand five hundred acres of water bottoms. Whoever leases more than the allotted amount of water bottoms forfeits, after due trial by competent court, all leases held by him on any water bottoms of the state.

Acts 1981, No. 753, §1. Amended by Acts 1981, No. 925, §1; Acts 2003, No. 449, §1.

§432.1. Oyster Lease Acquisition and Compensation Program

A. The legislature hereby acknowledges potential conflicts between the Department of Wildlife and Fisheries oyster leasing program and the Louisiana coastal restoration program provided for in R.S. 49:214.1 et seq. Therefore, the Office of Coastal Protection and Restoration shall develop a program, subject to the requirements and conditions of this Section, for the acquisition of and compensation for oyster leases or portions of oyster leases upon which occurs or will occur dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection.

B. The state of Louisiana, through the Office of Coastal Protection and Restoration, may acquire any oyster lease, in whole or in part, due to the impact of dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection.

(1) Acquisition shall be implemented by a notice of acquisition issued to the leaseholder. Such notice shall specify the acreage acquired and the effective date of the acquisition. A plat or map depicting the acreage acquired shall be attached to the notice. The notice and acquisition shall be subject to the following:

(a) The Office of Coastal Protection and Restoration shall issue any such notice in writing to the leaseholder at his address on file with the Department of Wildlife and Fisheries on the date of issuance, by hand delivery or certified mail, return receipt requested. If the Office of Coastal Protection and Restoration attempts such issuance at least once and is unable to deliver the notice to the leaseholder, the Office of Coastal Protection and Restoration shall reissue the notice to the lessee at his address on file with the Department of Wildlife and Fisheries on the date of the re-issuance, by regular mail, and shall publish in the official journal for each parish in which the acquired acreage is located a summary of the notice including identification of the affected acreage, the effective date of the acquisition, and a contact person at the Office of Coastal Protection and Restoration for all inquiries regarding the acquisition. The notice of acquisition may be recorded in the public records of any parish in which the acquired acreage is located.

(b) The acquisition shall be effective on the date specified in the notice of acquisition regardless of whether the lessee actually receives the notice of acquisition. Upon the effective date of the acquisition, possession of the affected acreage shall revert to the state, free and clear of any lease or other obligation or encumbrance.

(c) Lease payments as otherwise required by R.S. 56:428 or 429 shall no longer be payable for the acquired acreage for the calendar year after the date on which the notice of acquisition was issued.

(d) Upon acquisition of a portion of leased acreage, the lease shall continue in full force and effect as to the remaining acreage under the lease.

(2) The Office of Coastal Protection and Restoration shall determine the compensation for any acquisition pursuant to this Section in accordance with rules or regulations adopted by that department after consideration of recommendations by the Louisiana Oyster Task Force, subject to the following:

(a) The Office of Coastal Protection and Restoration shall issue its determination of compensation to the leaseholder together with the notice of acquisition and by the same procedure provided for issuance of such notice.

(b) The Office of Coastal Protection and Restoration shall consider any reasonably confirmable data or information provided by the leaseholder or any other person in making its determination of compensation, provided that the data or information is submitted in compliance with rules or regulations promulgated by that department prior to the date of initial issuance of the determination of compensation. Such rules or regulations shall provide the leaseholder at least sixty days in which to submit such data or information before the initial issuance of the determination of compensation.

(3) The Office of Coastal Protection and Restoration shall issue payment to the leaseholder in the full amount of its determination of compensation, except for and less any amount due on recorded liens and encumbrances to be paid out of said proceeds, together with the notice of acquisition, and by the same procedure provided for issuance of such notice. Acceptance of such payment shall not preclude any claim for additional compensation, as provided in this Section. If the Office of Coastal Protection and Restoration is unable to contact the leaseholder by the procedure provided in Subparagraph (B)(1)(a) of this Section, that department shall transfer funds in the amount of the determined compensation except for and less any amount due on recorded liens and encumbrances to be paid out of said proceeds, to a trust account, instead of attaching such payment to the reissued notice. Upon request of the leaseholder listed with the Department of Wildlife and Fisheries on the date notice of acquisition is initially issued, any such compensation may be withdrawn from the trust account for the benefit of the leaseholder. Any funds placed in a trust account that remain unclaimed after a period of five years shall be declared to be abandoned and may be disposed of pursuant to the Uniform Unclaimed Property Act, R.S. 9:151 et seq. Any amount due on a recorded lien or encumbrance shall be paid directly to the holder thereof, with a copy of all documentation of such payment issued to the leaseholder. If the Office of Coastal Protection and Restoration is unable to contact the holder of the lien or encumbrance, that department shall transfer funds in the amount of the lien or encumbrance to a trust account, from which it may be withdrawn for the benefit of the lien or encumbrance holder.

(4) To the extent that the Office of Coastal Protection and Restoration acquires any lease or portion thereof under this Section in relation to any project or action for integrated coastal protection performed by any department, agency, board, commission, or political subdivision of the state other than the Office of Coastal Protection and Restoration, such department, agency, board, commission, or political subdivision shall compensate the Office of Coastal Protection and Restoration for all costs incurred by the department which are associated with the acquisition. However, the executive director of the Office of Coastal Protection and Restoration may waive this requirement.

C. A leaseholder whose lease is acquired in whole or in part may seek an administrative hearing through the Office of Coastal Protection and Restoration as to whether the acquisition due to the impact of dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection is proper

or whether the compensation issued by the Office of Coastal Protection and Restoration satisfies the rules or regulations of that department. A leaseholder whose lease is not acquired but which was impacted by dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection has occurred, may also seek an administrative hearing through the Office of Coastal Protection and Restoration to determine if acquisition of such acreage would be proper. Adjudication under this Section shall be conducted in accordance with the following:

(1) Adjudication under this Section must be requested in writing and received by the Office of Coastal Protection and Restoration within sixty days after issuance of the notice of acquisition, determination of compensation, or payment as provided in Subsection B of this Section. However, adjudication of the amount of the compensation must be requested in writing and received by the Office of Coastal Protection and Restoration within two years after completion of the project for which the lease or portion of the lease was acquired, if the leaseholder establishes that notice of the acquisition, determination of compensation, or payment was not issued as required in this Section. Adjudication of the lack of acquisition of leased acreage upon which dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection has occurred must be requested in writing and received by the Office of Coastal Protection and Restoration within two years after completion of the project.

(2) Adjudication under this Section shall be conducted in accordance with Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950, and pursuant to the rules and regulations promulgated by the Department of Natural Resources after consideration of recommendations by the Louisiana Oyster Task Force. The administrative law judge shall consider any reasonably confirmable data or information provided to that department by the leaseholder or any other person on or before the date of the administrative review.

(3) The final decision of the administrative law judge shall be issued to the leaseholder by certified mail at his address on file with the Department of Wildlife and Fisheries on the date of issuance or at such other address as the leaseholder may specify in his request for administrative review.

(4) A request for an adjudication shall have no effect upon the validity of the acquisition of the lease, but only the compensation payable to the lessee. However, the acquisition may be found invalid if an adjudication is sought timely and the project or action for which acquisition is sought does not further coastal protection, conservation, or restoration.

D. A leaseholder may seek in accordance with the following, judicial review of the final decision of the administrative law judge based solely on the administrative record and, except as otherwise provided in this Section, in accordance with the provisions of Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950.

(1) Any petition for judicial review pursuant to this Subsection must be filed with the Nineteenth Judicial District Court within sixty days after issuance of the final decision of the administrative law judge. No petition for judicial review may be filed, and any such petition is premature, unless adjudication has been timely sought and all administrative remedies have been exhausted. The petition shall be served upon the executive director of the Office of Coastal Protection and Restoration and all parties of record.

(2) A request for judicial review shall have no effect upon the validity of the acquisition of the lease, but only the compensation payable to the lessee. However, the acquisition may be found invalid if review is sought timely and the project or action for which acquisition is sought does not further coastal protection, conservation, or restoration.

E. No funds from, or dedicated to, the Louisiana Wildlife Conservation Fund established by Article VII, Section 10-A of the Constitution of Louisiana shall be obligated or expended in

furtherance of or for any purpose of this Section. However, funds paid to the Department of Wildlife and Fisheries expressly for the purposes of this Section may be expended accordingly.

Acts 1997, No. 1314, §1; Acts 2000, 1st Ex. Sess., No. 107, §1; Acts 2006, No. 425, §1, eff. June 15, 2006; Acts 2009, No. 523, §4, eff. July 10, 2009.

§432.2. Annual reporting of coastal protection, conservation, and restoration project status

Once per year, in coordination with the Louisiana Oyster Task Force, the Office of Coastal Protection and Restoration shall provide information to the Oyster Task Force regarding the nature, location, and status of current or planned projects for integrated coastal protection to the extent practical.

Acts 2006, No. 425, §1, eff. June 15, 2006; Acts 2009, No. 523, §4, eff. July 10, 2009.

§433. Culling oysters taken from natural reefs; size limits

A. All oysters taken from the natural reefs of this state which measure less than three inches from hinge to mouth and all dead shell shall be immediately replaced and scattered broadcast upon the natural reefs from which taken. No captain, person in charge of any vessel, canner, packer, commission man, or other person shall have in his possession off the natural reefs any natural reef oysters which were not taken in accordance with the provisions of this Subpart. Any excess of over fifteen percent of dead shells and oysters under the size prescribed herein, in any cargo lot of oysters, except any cargo lot of oysters to be used as seed oysters for bedding purposes only, shall be considered a violation of this Subpart, and any officer of the department may cause to be counted the whole or part of the cargo or lot of oysters at the expense of the person or vessel, to determine the percentage. No oysters under one inch in length from hinge to mouth shall be counted, and each half shell of over one inch shall be counted as one.

B.(1) Under its supervision and direction, the department may permit lessees of oyster bedding grounds to fish oysters of any size, without charge, from the natural reefs of the waters of this state. Such oysters are to be used as seed oysters for bedding purposes only. The department may designate from which natural reefs oysters may be fished and the quantity to be taken therefrom by any lessee. The natural reefs may be fished for the harvest of seed oysters only each year starting the first Wednesday after Labor Day. Beginning on the second Monday in October each year, the seed grounds may be opened for the harvest of oysters for market sales in addition to the harvest of seed oysters. All harvest of oysters on the public seed grounds shall cease on April thirtieth of each year. However, the commission may extend the taking of oysters on natural reefs by setting the last day of the season if it is determined that sufficient quantities of oysters are available to accommodate such additional taking in designated areas. When setting the last day of the season, the commission shall consider the recommendations of the Oyster Task Force. The commission may designate what parts or portions of the natural reefs may be fished for oysters and it may suspend the fishing of oysters altogether from natural reefs not leased by it when such reefs are threatened with depletion as determined by the department. When designating those areas of the natural reefs that may be fished, the commission shall consider the recommendations of the Oyster Task Force.

(2) The commission shall annually set aside one or more areas east of the Mississippi River for the exclusive use of sackers. The designation of the said areas is to be based on the best available data by the department for ensuring the economic development of the fisheries. One of the areas so designated shall be located in the American Bay area east of the Mississippi River in Plaquemines Parish. The total areas designated shall not exceed one-fourth of the total areas of public seed grounds east of the Mississippi River. The commission may, by rule, provide for oyster size restrictions in these sacking areas.

C. No person shall take oysters from the natural reef of the waters of the state during the period beginning the day following the closing date set by the commission pursuant to Paragraph (B)(1) of

this Section and ending the Tuesday following Labor Day. No person shall can, shuck, or pack any oysters from the natural reefs during the closure period. This provision does not prevent any lessee of oyster bedding grounds from harvesting his own oysters and using them for personal home consumption or for sale during the time of closure.

D. No person shall remove oysters from any state owned natural reef for the purpose of steam processing from the first Wednesday after Labor Day through December 31, both dates inclusive.

E. The department, at one of its regular meetings, in the exercise of its duties to improve, enlarge, and protect the state-owned natural reefs of this state, and after affording industry, department personnel, and interested parties an opportunity to be heard, shall have the option, between January first and the last day of the season of each year, of closing any portion or all of the natural oyster reefs of this state to the harvest of oysters, and/or of setting harvesting size limits on any portion or all of the natural oyster reefs of this state, as expected conditions warrant. The department shall notify the oyster industry of its determination by filing the information in the office of the secretary, and by notice once weekly for two weeks prior to implementation, in the newspapers of general circulation in the coastal zone.

F. The limitations as to size contained in Subsection A shall not apply to seed oysters lawfully fished from the natural reefs.

G. No provisions of this Section shall prevent the department from exercising its option to close the natural grounds to all oyster fishing as provided in Subsection B.

H. The provisions of this Section do not apply to a lessee of private bedding grounds when harvesting his own oysters.

I. The commission shall designate the natural reefs by regulation.

J. A violation of the provisions of this Section shall constitute a class two violation.

Acts 1981, No. 925, §1; Acts 1987, No. 924, §2; Acts 1990, No. 1015, §1; Acts 1991, No. 496, §1; Acts 1992, No. 46, §1; Acts 1993, No. 115, §1; Acts 2003, No. 448, §1; Acts 2004, No. 211, §1; Acts 2006, No. 393, §1; Acts 2007, No. 310, §1; Acts 2008, No. 92, §1.

§433.1. Oyster seed ground vessel permit; Oyster Seed Ground Vessel Permit Appeals Board

A.(1) Any oysters taken for commercial purposes from the public natural reefs or the oyster seed grounds or reservations, except those in Calcasieu Lake or Sabine Lake, shall be placed only on a vessel which has an oyster seed ground vessel permit issued exclusively by the department pursuant to rules and regulations promulgated by the commission. Such permit shall be issued in the name of the vessel owner and shall identify the vessel permitted by including the state registration number or the United States Coast Guard documented number. The permit shall identify the vessel that may possess and transport oysters taken from the public natural reefs and oyster seed grounds. The permit does not grant any rights to the oyster resource or any rights to harvest oysters from the waters of the state and shall not be sold, exchanged, or otherwise transferred. The permit is valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year, and permit holders who hold a valid permit during the prior year may renew the permit at any time of the year for the current license year and from November fifteenth for the immediately following license year. The cost of the permit shall be fifteen dollars for residents and sixty dollars for nonresidents.

(2) Vessel owners, as listed in the official record of the department at the time of application, who meet the requirements of Subsection B of this Section shall have the right to submit to the department a new application for an oyster seed ground vessel permit. No new applications for such vessel permits shall be accepted after December 31, 2009. A vessel owner shall be eligible for a

permit only for each vessel which can be used to meet the qualifications for a permit under the provisions of Subsection B of this Section.

(3) The taking of oysters from the public natural reefs or the oyster seed grounds or reservations without an oyster seed ground vessel permit shall be a class two violation subject to the penalties provided in R.S. 56:32 and to the requirements of R.S. 56:424.1.

B. The following vessel owners, as listed in the official records of the department at the time of application for the permit or who can, at the time of application, demonstrate to the department that ownership of that vessel has transferred to them, shall be eligible to receive an oyster seed ground vessel permit:

(1) Any person who owned a vessel that was licensed at any time between January 1, 2004, and May 1, 2009, and can demonstrate through trip ticket submissions that that vessel had oyster landings in the state of Louisiana between January 1, 2004, and May 1, 2009.

(2) Any person who purchased or constructed a vessel and licensed that vessel in the state of Louisiana between January 1, 2004, and May 1, 2009, and who can demonstrate through trip ticket submissions that oysters were landed on that vessel in the state of Louisiana between the time of the vessel's purchase or construction and May 1, 2009.

(3) Any person who can provide evidence that he has a vessel that is under construction in the state of Louisiana that is at least fifty percent complete on May 1, 2009.

C. There is hereby created the Oyster Seed Ground Vessel Permit Appeals Board to be composed of Louisiana licensed oyster harvesters who hold oyster seed ground vessel permits appointed as follows:

(1) Two members appointed by the Louisiana Oyster Dealers and Growers Association, one member to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line, including Orleans Parish, and one member to be appointed from the coastal parishes located between the Plaquemines/Jefferson Parish line and the Louisiana/Texas state line.

(2) One member appointed by the Plaquemines Oyster Association to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(3) One member appointed by the Terrebonne Oyster Association to be appointed from the coastal parishes located between the Plaquemines/Jefferson Parish line and the Louisiana/Texas state line.

(4) One member appointed by the Southwest Pass Oyster Dealers and Growers Association to be appointed from the coastal parishes located between the Plaquemines/Jefferson Parish line and the Louisiana/Texas state line.

(5) One member appointed by the United Commercial Fisherman's Association to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(6) One member appointed by the Delta Commercial Fisherman's organization to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(7) One member who is an oyster grower appointed by the president of the Louisiana Farm Bureau Federation to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(8) One member appointed by the Louisiana Oystermen Association to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line, including Orleans Parish.

D.(1) The Oyster Seed Ground Vessel Permit Appeals Board is established to hear appeals of oyster seed ground vessel permit applications denied by the department. The board shall be limited to determinations of the eligibility of a permit applicant for a permit and to instances where a permit may be issued based on a determination of hardship. The commission shall promulgate guidelines to be used by the board to determine an applicant's eligibility and whether or not an applicant should be granted a permit. Such determination shall require a favorable vote of a majority of the appointed members of the board and the record of decision shall clearly state the reasons or rationale for granting or denying the permit.

(2) The board shall be subject to the Open Meetings Law and the Public Records Act. A quorum is required to conduct business. Vacancies shall be filled in the same manner as the original appointment.

(3) Any decision of the board or the department regarding issuance or the lack of issuance of a permit may be appealed de novo to the Nineteenth Judicial District Court.

E. The provisions of this Section shall be applicable to license year 2009 and thereafter and shall become null and void and of no effect beginning on November 15, 2013, and thereafter.

Acts 2008, No. 922, §2, eff. July 14, 2008; Acts 2009, No. 376, §1.

§434. Oyster seed grounds; designation and setting aside; rules and regulations concerning taking of seed oysters; areas recognized as oyster seed reservations; protection of oyster seed reservations

A. The commission shall at its discretion from time to time designate and set aside such area from the water bottoms of the state as it judges best adapted to the planting, propagation, growth, and policing of seed oysters. The area constitutes oyster seed grounds. Each unit thereof shall, as nearly as practicable, be so located as to facilitate its efficient policing, and be readily identifiable by reference to geographical features or local landmarks or department surveys, and shall embrace at least a recognizable portion of any body or arm of water, or definite part thereof, in which it is established.

B. Upon or following the designation or location of any oyster seed ground, the department may negotiate for and acquire existing oyster leases required to be abandoned or surrendered which are found within the limits of the designated area. The department shall compensate the leaseholder for oysters, seed oysters, shells, and other improvements found on the private leases required to be abandoned or surrendered, out of funds appropriated by the legislature. Such compensation shall be determined by an independent marine surveyor appointed by the department with the concurrence of the leaseholder, at the current-day value of the improvements on the grounds affected.

C. All seed oysters produced on oyster seed grounds or reservations established under this Subpart shall be had and held for the use and benefit of the oyster industry. The commission shall establish rules and regulations concerning the time, quantity, and method of taking by which these seed oysters shall be made available to the public. These rules and regulations shall be formulated as necessary and shall be adequate to the proper maintenance and preservation of the areas as a perpetual source of seed supply for the oyster industry. Unless otherwise opened by the commission all oyster seed grounds and reservations are closed.

D. The secretary may require persons taking, or attempting to take oysters, oyster seed, or cultch from any state owned public oyster seed ground or public oyster seed reservation to obtain a permit from the department and possess said permit when on the public oyster seed grounds or public oyster seed reservations.

E. The water bottoms located in Sister (Caillou) Lake and Bay Junop in Terrebonne Parish, Hackberry Bay (Bay Duchene) in Lafourche and Jefferson Parishes, and Bay Gardene in Plaquemines Parish are designated as oyster seed reservations, and shall be managed by the department for the best interests of the oyster industry.

F. The department shall establish and maintain an adequate and vigilant watch and control over the areas designated as oyster seed grounds and oyster seed reservations, and shall see that all oysters, seed oysters, oyster cultch, or other material improvements found or placed thereon are efficiently protected from trespass, theft, or injury.

G. During that portion of the oyster season set aside for the taking of seed oysters only, additional restrictions shall apply to harvest of seed oysters from the public seed grounds as follows:

(1) No oyster harvester who is actively harvesting oysters in the public seed grounds shall have on board his vessel any sacks or containers which may be used to hold oysters for transport to market.

(2) All oysters on board a vessel actively harvesting oysters in the public seed grounds shall be presumed to have been harvested from the public seed grounds.

(3) No harvester shall sell, or transport with his vessel, oysters intended for market sales on the same day that he harvested seed oysters from the public seed grounds.

H. A violation of the provisions of this Section shall constitute a class two violation.

Acts 1981, No. 925, §1; Acts 1987, No. 544, §1; Acts 1987, No. 924, §1; Acts 1989, No. 248, §1, eff. June 26, 1989; Acts 1991, No. 496, §1; Acts 2010, No. 270, §1.

NOTE: *Act 265 of 2010 provides for the relocation of certain leases which are located within a public seed ground. Provides Act is void on Jan. 1, 2013.*

§434.1. Public Oyster Seed Ground Development Account

A. There is hereby created in the Conservation Fund an account to be known as the Public Oyster Seed Ground Development Account.

B. The secretary is authorized to accept and receive funds or materials as compensation for impacts associated with activities occurring on or over the public oyster seed grounds, seed reservations, and tonging areas. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay into the Public Oyster Seed Ground Development Account an amount equal to funds received by the secretary under the provisions of this Subsection. The monies in this account shall be used solely as provided in Subsection C of this Section and only in the amount appropriated by the legislature. All unexpended and unencumbered monies in this account at the end of the fiscal year shall remain in the account. The monies in the account shall be invested by the state treasurer in the same manner as monies in the Conservation Fund, and any interest earned shall be credited to the account.

C. Subject to appropriation by the legislature, the monies in the Public Oyster Seed Ground Development Account shall be used solely to enhance the state's public oyster seed grounds through siting, designing, permitting, constructing, monitoring, and cultch deposition.

D. The department shall maintain records of the sources of funds received and the activity which resulted in the payment of the funds to the secretary. In addition, the department shall maintain records of payments made from the account, the person to whom the funds were paid, and the purpose of each payment. The department shall annually report such information to the Louisiana Oyster Task Force.

Acts 2003, No. 920, §1, eff. July 1, 2003.

§435. Dredges and scrapers; use in removing oysters

A. All dredges and scrapers shall be no longer than six feet in width measured along the tooth bar.

B. The dredge teeth shall be no longer than five inches in length, and there shall be no more than seven dredges in use on any one vessel.

C. The lessees of propagating or bedding grounds may use on such propagating or bedding grounds any implements or appliances they may desire. However, no implements or appliances shall be used in any manner which will impair or destroy any water bottoms. The department may require lessees to procure from it permits to use such implements and appliances, such permits to be issued without charge, and to be conditioned that such implements or appliances shall not be used on natural oyster reefs in the state, and on those grounds not leased.

D. A violation of the provisions of this Section shall constitute a class two violation.

E. *Repealed by Acts 1984, No. 402 §2.*

Acts 1981, No. 836, §1; Acts 1981, No. 925, §1. Amended by Acts 1982, No. 467, §1; Acts 1982, No. 626, §1. Acts 1984, No. 230, §1, eff. June 29, 1984. Acts 1984, No. 402, §2; Acts 1986, No. 904, §4; Acts 1990, No. 583, §1; Acts 1991, No. 496, §1.

§435.1. Sabine Lake; methods of harvest; penalty; season; self-propelled vessels; harvested oysters

A. Oysters may be harvested in Sabine Lake using tongs, a hand dredge, a single dredge with mechanical assist that has a tooth bar no more than thirty-six inches long, or a single scraper with mechanical assist with a flat bar length of no more than thirty-six inches.

B. *Repealed by Acts 1986, No. 904, §4.*

C. All vessels used for the commercial harvest of oysters on Sabine Lake must be self-propelled. "Self-propelled" means, when used in this Section, that the vessel shall travel under its own power to its harvest area and when loaded with oysters, shall travel under its own power to the place where the oysters are unloaded.

D. Oysters, once harvested and placed upon any vessel, cannot be transferred except to a shoreside facility.

E. *Repealed by Acts 1986, No. 904, §4.*

F. With the proper licenses, no more than twenty-five sacks of oysters per boat per day may be harvested. However, the recreational taking of oysters shall be as provided in R.S. 56:424(C).

G. Open season dates and harvest limits shall be set by the commission after consideration of recommendations by the Louisiana Oyster Task Force. In addition, recreational fishermen may harvest oysters as provided in R.S. 56:424(C).

H. Any violation of this Section shall be considered a class four violation subject to the penalties contained in R.S. 56:34.

Acts 1984, No. 402, §1; Acts 1986, No. 904, §§3, 4; Acts 1987, No. 559, §1; HCR No. 2, 1988 1st Ex. Sess.; SCR No. 3, 1988 1st Ex. Sess.; Acts 1988, No. 256, §1; Acts 1991, No. 900, §1; Acts 1992, No. 109, §1; Acts 2004, No. 479, §§1, 2; Acts 2006, No. 398, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§435.1.1. Oyster harvest in Calcasieu Lake

A. Oyster harvesting in Calcasieu Lake using tongs; a hand dredge; a single dredge with mechanical assist that has a tooth bar no more than thirty-six inches long; or use of a single scraper with mechanical assist and a flat bar length of no more than thirty-six inches is allowed.

B. All vessels used for the commercial harvest of oysters on Calcasieu Lake must be self-propelled. "Self-propelled" means, when used in this Section, that the vessel shall travel under its own power to its harvest area and when loaded with oysters, shall travel under its own power to the place where the oysters are unloaded.

C. The commission shall fix the open season for oyster harvest in Calcasieu Lake, which shall begin on any date between October fifteenth and November first and, for calendar years 2007 through 2010, shall end on a date set after consideration of recommendations by the Louisiana Oyster Task Force. After calendar year 2010, the season shall end on April thirtieth. However, in consultation with the Oyster Task Force, the commission may open or close the season as biological data indicate a need and may manage East Cove and West Cove separately.

D. Harvest limits shall be set by the commission not to exceed twenty-five sacks of oysters per day per licensed vessel after consideration of recommendations by the Louisiana Oyster Task Force. In addition, recreational fishermen may harvest oysters as provided in R.S. 56:424(C).

E. Any violation of the provisions of this Section shall be considered a class four violation subject to the penalties contained in R.S. 56:34.

Acts 2004, No. 479, §1; Acts 2006, No. 398, §1.

§435.2. *Repealed by Acts 2006, No. 398, §2.*

§436. Restricted time of taking oysters

A. The taking of oysters from the natural reefs of this state and from privately owned bedding grounds between the hours of one-half hour after sunset and until one-half hour before sunrise is prohibited. During these hours all dredges shall be unshackled, disconnected, or in such condition as to be easily determined by an agent of the department not to have been in recent use.

B. Violation of any provision of this Section constitutes a class four violation.

Acts 1981, No. 925, §1; Acts 1987, No. 456, §1; Acts 1990, No. 873, §1.

§437. Sale of oysters for raw consumption within the state

Oysters which have been harvested from Louisiana waters may be sold for raw consumption within the state at all times during the year. Federal regulations which may prohibit the interstate transportation and sale of oysters which have not been post-harvest treated shall not apply to oysters harvested, sold, and consumed within the state of Louisiana. The Department of Health and Hospitals shall promulgate rules pursuant to the Administrative Procedure Act to administer the provisions of this Section and the Department of Wildlife and Fisheries shall assist in the enforcement of such rules.

Acts 2010, No. 269, §1.

§438. Surveyor, definition

Surveyor as used in this Subpart shall mean the surveyor of the department or any other professional land surveyor qualified and currently licensed by the Louisiana Professional Engineering and Surveying Board in accordance with R.S. 37:681 et seq. who is authorized by the secretary to survey oyster leases under the laws of the state and rules, regulations, and policies of the department.

Acts 1981, No. 925, §1; Acts 2003, No. 279, §8.

§439. Staking off or bedding oysters on unleased water bottoms

No person shall stake off the water bottoms enumerated in this Subpart, or bed oysters on the water bottom without previously leasing the same from the department, and then only after payment

of the rental and fees provided in this Subpart. However, for emergency purposes in the matter of the preservation of a cargo, the oyster fisherman may temporarily bed his cargo on unleased bottoms and stake it off.

Acts 1981, No. 925, §1.

§440. Standard measurements; barrel

In all of the operations of the department, the standard measurement of the barrel referred to herein shall be 6451.26 cubic inches, which approximately represents the cubic contents of three bushels, or one barrel; one sack represents 3225.63 cubic inches or one and one-half bushels or one-half barrel.

Acts 1981, No. 925, §1.

§441. *Repealed by Acts 1999, No. 38, §2, eff. May 28, 1999.*

§442. Collection and disposition of funds; dedication of funds

A. No license fee or tax other than those imposed by Part VI of this Title and by R.S. 56:446 shall be levied or imposed by the state or any of its subordinate political corporations or municipalities.

B. Except for funds collected from the privilege to take shells or shell deposits from the water bottoms, the funds provided for and arising from the collection of severance taxes, bedding ground rentals, and other sources of income, shall be collected by the department and record made thereof. These funds shall be deposited in the state treasury to the credit of the department.

C. One-half of all funds collected by the department from the leasing or granting of permits of the right or privilege to take shells or shell deposits or mussel shells from the water bottoms of the state under authority of this Subpart are dedicated to the establishment, administration, maintenance, and upkeep of oyster seed grounds and reservations and to the planting, propagation, cultivation, policing, preservation, and distribution of oysters on and from the grounds. The department may purchase and use shells or other cultch which it may in judgment and discretion take from overcrowded oyster reefs belonging to the state. The remaining one-half of all funds collected by the department under authority of this Subpart shall be deposited in a special account by the department and shall be dedicated to the administration, enforcement, management, and research for marine resources and to the construction, purchase, maintenance and upkeep of property and equipment used in connection therewith.

D. In case of acquisition and expenditures incurred under authority of this Subpart, the department may care for, cultivate, and dispose of acquired oysters and seed. It shall return such recovered funds into the funds placed at its disposal under this Subpart.

Acts 1981, No. 925, §1. Acts 1986, No. 904, §3.

NOTE: *See Acts 1986, No. 904, §5.*

§443. *Repealed by Acts 1986, No. 904, §4.*

§444. License number display

The name, license number, state boat registration number, or federal documentation number of each vessel, boat, or dredging apparatus engaged in the harvesting of oysters shall be displayed on the roof of the cabin or on any other place which is easily visible from the air, at all times. The letters shall be at least eight inches in height and of an appropriate width.

Acts 1981, No. 925, §1. Acts 1986, No. 904, §3.

NOTE: *See Acts 1986, No. 904, §5.*

§445. *Repealed by Acts 1986, No. 904, §4.*

§446. Oyster severance tax; collection

A. A severance tax of two and one-half cents per barrel on each barrel of oysters fished from leased water bottoms is levied and shall be paid to and collected by the department. A severance tax of three cents per barrel on each and every barrel of oysters fished from the natural reefs either for sale or consumption, is levied and shall be paid to and collected by the department. These taxes are levied upon and shall be paid by every person removing oysters or on whose behalf oysters are removed, whether from his own leased bedding ground or natural reefs, as stipulated above, except in such cases where oysters removed are sold by the person to any resident wholesale/retail dealer, in which event the severance tax shall be paid by the latter.

B. The secretary may examine, inspect, and audit the books, papers, and memoranda of all persons engaged in the oyster industry under licenses issued by the department.

C.(1) Oyster severance taxes shall be payable to the department on or before the tenth day of the month following the date of sale. A statement of the quantity of oysters fished, purchased, and/or received shall be made by certification on monthly report forms furnished by the department and shall accompany each payment. Upon failure to pay severance taxes when due, a penalty of ten percent per month, not exceeding thirty percent in the aggregate, calculated upon the severance tax due, shall be levied and collected by the department in addition to the tax due. If there is a delinquency in the filing of reports and in the payment of taxes due as required above, demand for payment shall be made by the secretary as soon thereafter as possible, coupled with the warning that the license of the delinquent shall be revoked unless report is made and taxes paid.

(2) After demand for payment and warning, the secretary may seize any oysters or parts or products thereof in the possession of a person liable for taxes and penalties due and sell them for payment of the tax and penalties. Any surplus from the proceeds of sale, after deducting all costs and charges, taxes, and penalties due, shall be paid to the owner of the oysters or parts or products thereof seized. At any time after demand for payment and warning, the license of any person who fails to make monthly reports and to pay severance taxes due shall be revoked by the secretary, and shall so remain until all reports are made and all taxes due are paid with accrued penalties.

(3) Any person who refuses or fails to pay the severance taxes due or to make monthly reports as aforesaid, and whose license has been revoked, is hereby prohibited from buying and selling or otherwise engaging in the disposition of oysters or parts or products thereof and other seafoods under the jurisdiction of this commission.

D. The provisions of this Section shall apply to the nonresident wholesale/retail dealer whenever he buys oysters directly from any fisherman in this state for out-of-state shipment and no severance taxes have been paid on these shipments.

E. Violation of any of the provisions of this Section constitutes a class three violation.

Acts 1981, No. 925, §1; Acts 1991, No. 476, §1, eff. July 15, 1991; Acts 1992, No. 528, §1, eff. June 29, 1992.

§§447, 448. *Repealed by Acts 1986, No. 904, §4.*

§449. Tags; distribution; use; containers; penalties

A. Sacks and any other types of containers used to hold oysters and other mollusks while in their shells shall be identified by official tags. The department shall have exclusive authority over the distribution of these tags. The use of these tags is required of all persons taking oysters or other mollusks from the waters of the state for sale. Tags issued by the department shall be identified with and traceable to the license of the oyster lessee or oyster fisherman. The lessee or oyster fisherman

shall write in the appropriate places on the tag all information required by the Department of Health and Hospitals, office of public health, and the Department of Wildlife and Fisheries.

B. The department shall establish uniform fees for such tags. The fees shall be sufficient in amount to cover the cost of the tags as well as the administrative costs of distribution. In addition to the established uniform fee, there shall be an additional fee of five cents per tag which shall be deposited into the Oyster Development Account within the Seafood Promotion and Marketing Fund.

C. All oysters and other molluscan species taken from Louisiana waters for sale which are sacked or otherwise containerized while in the shell and on board a fisherman's vessel shall be tagged prior to removal from the vessel. The tag shall include all information required by the Department of Health and Hospitals, office of public health, and the Department of Wildlife and Fisheries. All oysters and other molluscan species which are to be sacked or otherwise containerized while in the shell at dockside shall be containerized and tagged immediately upon arrival at the dock prior to shipment.

D. It shall be unlawful for any person to sell for resale or to purchase for resale untagged sacks or containers of oysters or other molluscan species.

E. Possession of untagged sacks or containers other than on board the fisherman's vessel or on the dock prior to shipment shall be deemed a violation of this Section. If the amount of untagged sacks or containers possessed is ten percent or less, the violator shall be subject to a class one penalty as described in R.S. 56:31. If the amount of untagged sacks or containers possessed is greater than ten percent, the violator shall be subject to the penalties as specified in Subsection K of this Section. Only untagged or improperly tagged sacks or containers of oysters may be seized in connection with any violation of this Subsection. Any oysters seized in connection with violations of this Subsection shall be disposed of pursuant to the policies and procedures established and promulgated by the department.

F. All persons fishing within the boundaries of the state, but not desiring to land said catch within the jurisdiction of the state, shall tag with prescribed Louisiana tags all sacks or containers prior to leaving the state. All persons fishing shellfish outside the jurisdictional boundaries of the state of Louisiana, but desiring to land within the boundaries of the state, shall have all sacks or containers tagged according to the rules of the state from which fished.

G. Untagged or improperly tagged sacks or containers of oysters or other molluscan species found in commerce within the state, other than on board the fisherman's vessel or on the dock prior to shipment, shall be deemed to have been taken in polluted waters and constitute a hazard to the safety, health, and welfare of the citizens of the state.

H. Authorized agents of the department, state and local health officials, and state and local law enforcement officials shall be authorized to enforce the provisions of this Section, and shall have the authority, additionally, to seize all untagged sacks or containers found in connection with any arrests hereunder and to dispose thereof in accordance with law.

I. It shall be a violation of this Section for any manufacturer, distributor, dealer, supplier, or wholesaler to sell or distribute shucked oyster containers to any person or persons, corporation, business, or firm that has not been certified by the Seafood Sanitation Unit of the Office of Public Health, Department of Health and Hospitals. The packer, distributor, or purchaser shall not resell the shucked oyster container. It shall be a violation of this Section if any nonresident purchaser of new and unused shucked oyster containers does not have in his possession a valid certificate from an appropriate state agency that regulates the seafood industry.

J. The department shall require that all persons who containerize shucked oysters or other molluscan species keep accurate records of the source of the oysters in order that said oysters can

be traced back to the identifying tag and shall require, further, that such containers be labelled as a source of identification in a manner to be prescribed by the secretary.

K. A violation of this Section shall constitute a class III violation and any oyster seized in connection with this violation shall be disposed of pursuant to the policies and procedures established by the department.

Acts 1981, No. 925, §1; Acts 1986, No. 522, §1; Acts 1986, No. 523, §1; Acts 1992, No. 268, §1; Acts 1993, No. 179, §1; Acts 1995, No. 448, §1; Acts 1999, No. 622, §1; Acts 2004, No. 213, §3.

§450. Freshwater mussels; rules; penalties

A.(1) The secretary of the Department of Wildlife and Fisheries shall adopt rules, developed and proposed by the department, to regulate the harvest of freshwater mussels. Such rules shall provide for open areas, species eligible for harvest, harvest methods, permits, fees, and other provisions necessary to implement this Section. In no case shall the annual permit fee for nonresidents be less than one thousand dollars per person harvesting freshwater mussels.

(2) One-half of the total of all revenues derived from the annual permit fees required for commercial mussel fishermen and severance tax are hereby dedicated to the operation of the enforcement division of the Department of Wildlife and Fisheries and the remaining one-half of the total of all revenues is hereby dedicated to the operation of the inland fisheries division of the department.

B. The secretary shall have the authority to revoke, deny, or limit the number of permits issued as deemed necessary for proper management, control, and protection of the freshwater mussel resource.

C. Any violation of rules pertaining to the harvest and sale of freshwater mussels shall constitute a class four violation, R.S. 56:34. Any violation of harvest reporting requirements shall constitute a class three violation, R.S. 56:33.

D. It shall be unlawful for any person to sell, barter, or exchange any freshwater mussel meats. Any violation of this Subsection shall constitute a class four violation, R.S. 56:34.

E. Notwithstanding any other law to the contrary, there shall not be any shell dredging in Lake Pontchartrain or Lake Maurepas.

Acts 1981, No. 925, §1; Acts 1992, No. 851, §1; Acts 1993, No. 99, §1, eff. June 1, 1993; Acts 1994, No. 27, §1.

§451. Severance tax; default in payment; penalties

A. There is hereby levied a severance tax of five percent of the revenues derived from the sale of all whole freshwater mussels taken from the waters of this state. For purposes of this Section, "whole" shall mean a freshwater mussel unopened with meat.

B. The severance tax on freshwater mussels shall be computed at the point of first sale to a properly licensed and permitted buyer. Payment of this tax shall be to the department and shall be calculated from receipts issued by the department and completed by the buyer for each sales transaction. A copy of each receipt shall be given to the harvester and a copy shall be retained by the buyer. The buyer and seller shall retain such receipts for inspection by the department for a period of not less than two years.

C.(1) Payment of the tax shall be made by the buyer and shall be made to the department on a monthly basis. Such payment must be received by the department no later than the fifteenth day of the month following the month of severance. In addition, the buyer shall furnish the department with receipts issued for each sales transaction during the month, which must also be received by the fifteenth day of the month following the month of severance.

(2) If such severance taxes are not paid when due, a penalty of ten percent per month of the overdue tax, not exceeding an aggregate of thirty percent, shall be levied and collected by the department in addition to the tax owed.

(3) If there is a delinquency in filing of reports and in payment of taxes due, demand for payment shall be made by the department as soon as possible, and the department shall provide a warning to the offender that its permit will be revoked unless such payment is made and report is filed. Such permit shall be revoked by the secretary and shall remain revoked until all requisite reports have been filed and all taxes and accrued penalties have been paid. In addition, after making such demand for payment, the department may seize any mussels or parts of products thereof in the possession of any person liable for such taxes and penalties due and the department may sell the mussels or parts of products thereof for payment of the tax and penalties. After deducting all costs, charges, taxes, and penalties due, the surplus from the proceeds of the sale shall be paid to the owner of the mussels or parts of products thereof seized.

Acts 1981, No. 837, §3, Amended by Acts 1981, No. 925, §1; Acts 1994, No. 27, §1.

§452. Penalties

Any person who violates a Section of this Subpart for which no penalty is given has committed a class one violation and shall be punished as provided for in Part II.

Acts 1994, No. 27, §1.

SUBPART D-1. CLAMS

§471. Ownership of water bottoms

A. All water bottoms suitable for clamming within the state shall remain public with respect to clams and shall be subject to any and all restrictions contained herein.

B. Nothing in this Subpart shall in any way affect the dredging of Rangia clam shells as presently authorized.

Added by Acts 1979, No. 616, §1.

§472. Severance tax

Any person or firm licensed as a land based operator shall pay to the state a tax of three cents per barrel of clams processed or handled. Any licensee shall pay to the state a tax of twenty cents per bushel for any bushels of shellstock shipped out of the state of Louisiana.

Added by Acts 1979, No. 616, §1. Acts 1984, No. 230, §1, eff. June 29, 1984; Acts 1986, No. 904, §3.

NOTE: *See Acts 1986, No. 904, §5.*

§473. Recreational possession limit; recreational gear regulations

A. A recreational fisherman can take no more than two bushels of clams per day.

B. The department shall designate by regulation the types of rakes or tongs that can be used by a recreational fisherman.

Added by Acts 1979, No. 616, §1. Acts 1984, No. 230, §1, eff. June 29, 1984. Acts 1986, No. 904, §3.

NOTE: *See Acts 1986, No. 904, §5.*

§474. Time and method of taking clams

A. Dredging for clams between one-half hour after sunset and one-half hour before sunrise is prohibited.

B. Clams may not be taken by any method other than by hand in any established bed of aquatic vegetation.

Added by Acts 1979, No. 616, §1; Acts 1992, No. 860, §1.

§475. Approved ports

Clams shall be off-loaded only at approved ports.

Added by Acts 1979, No. 616, §1.

§476. License display

The vessel license number shall be painted on the cabin roof or any other place which is easily visible from the air. The letters shall be at least eight inches high and of appropriate width and prefaced with the letter "C".

Added by Acts 1979, No. 616, §1. Acts 1986, No. 904, §3.

NOTE: *See Acts 1986, No. 904, §5.*

§477. Division of water bottoms

The Department of Wildlife and Fisheries after adequate technical review may divide the water bottoms of the state into zones for the purpose of clamming. The department in determining the number of zones may designate which and how often zones may be fished and how many clams may be taken from any zone.

Added by Acts 1979, No. 616, §1.

§478. Demarcation line

A. A line of demarcation shall be established between what is considered productive oyster areas and areas which have become nonproductive seaward of known productive oyster areas, but which can be considered productive clam areas. This line should not be of a permanent nature but flexible according to changing environmental conditions, giving the oyster preference.

B. During periods when it is unlawful to take oysters from the public seed grounds, it shall be unlawful to take clams from within the public seed grounds. During these periods clams can only be taken seaward of the line of demarcation.

The taking of clams by vessels properly licensed and permitted while engaging in normal clamming operations shall not be permitted in areas where active oyster production occurs. It shall not be unlawful to take clams incidental to the harvesting of oysters.

Added by Acts 1979, No. 616, §1.

§479. Repealed by Acts 1986, No. 904, §4.

§480. Catch limitations

In the event the commission should determine that any or all areas are being overharvested, the commission is hereby authorized to impose catch rate limitations. The commission should consider catch rate information obtained from monthly reports, meat yield data, coincidence of low production in relation to clams as compared to other fisheries production for a given time frame, and any other information it deems pertinent in determining limitations. Any such limitations shall be made public no later than October 1 preceding the year affected.

Added by Acts 1979, No. 616, §1.

§481. Size limits

It shall be illegal to possess clams of less than one inch measured from hinge to edge of shell. Clams shall be culled where taken and all clams of less than legal size shall be immediately returned to the waters. A tolerance of ten percent by count of any catch shall be allowed.

Added by Acts 1979, No. 616, §1.

§482. Penalty provision

Violation of any provision of this Subpart or of any commission regulation or rule adopted pursuant to this Subpart shall constitute a class four violation.

Acts 1993, No. 83, §1.

SUBPART E. TRAWLING, SEINING, AND SKIMMING

§491. Definitions

For the purposes of this Chapter, the following words and phrases shall have the meaning ascribed to them in this Section, unless the context clearly shows a different meaning:

(1)(a) "Saltwater shrimp" includes all species of shrimp of commercial or economic value found in the coastal waters of the state and in the Gulf of Mexico contiguous to the Louisiana coast, including the white shrimp or "common saltwater shrimp" (*Litopenaeus setiferus*), also called the "lake shrimp"; the brown shrimp (*Farfantepenaeus aztecus*); the pink shrimp (*Farfantepenaeus duorarum*); the "sea bob" (*Xiphopenaeus kroyeri*), also called "six barbes"; and any other shrimp or shrimplike species which may be taken from coastal waters or sold through commercial channels.

(b) "Freshwater shrimp" means the common river shrimp (*Macrobrachium ohione*) and the delta river shrimp (*Macrobrachium acanthurus*).

(2) "Take", in its different tenses, includes the act of pursuing, netting, capturing, trapping, wounding, or killing by any means or device whatsoever; and it includes any attempt to seine, trawl for, or catch saltwater shrimp.

(3) "Possess" in its different tenses, includes the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or as agent, bailee, or custodian of another; and whenever possession, sale, or purchase of shrimp is prohibited, reference is made equally to such shrimp coming from without the state as to that taken within the state.

(4) "Transport" in its different tenses, includes the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting, by air, land, or water, or by any means whatsoever.

(5) "Processing" includes any method of preparing shrimp for the market, including drying, canning, packing, beheading, or freezing, but not the simple packing of fresh shrimp in ice during transportation.

(6) "Consumer" includes restaurants and other places where shrimp is prepared for consumption or otherwise utilized, and includes persons using shrimp for bait.

(7) The "length of seines, trawls, or other netting" is the full measure of the extended net as in use or in possession on the fishing grounds, when measured along the cork line between the points where the webbing is attached to the rope at either end, and does not include the additional rope used for pulling the net or attaching it to the arm-poles or trawl boards.

(8) The "size of the mesh" of netting means the full measure of the mesh as found in use or in possession on the fishing grounds, measuring the full "bar" stretched from the near side of one knot to the far side of the other.

Amended by Acts 1958, No. 53, §1, emerg. eff. June 24, 1958; Acts 1997, No. 1163, §1, eff. July 14, 1997; Acts 2004, No. 126, §1, eff. Nov. 15, 2004.

§492. Incidental by-catch

Notwithstanding any other provision of law to the contrary, or any rule or regulation adopted by the department or the commission, any commercial shrimping vessel may retain and any commercial fisherman may sell all southern flounder caught as by-catch on any shrimping trip.

Acts 1997, No. 1163, §1, eff. July 14, 1997; Acts 1999, No. 220, §1.

§493. Control of shrimp fishery and industry

The exclusive control of the shrimp fishery and the shrimp industry in Louisiana is vested in the department, which shall enforce the laws regulating same. All shrimp or parts thereof taken, possessed, or transported contrary to the provisions of this Subpart shall, when found, be confiscated and disposed of by the department at its discretion.

Acts 1985, No. 876, §3, eff. July 23, 1985.

§494. Louisiana Shrimp Task Force

A. There is hereby established the Louisiana Shrimp Task Force to study and monitor the shrimp industry and to make recommendations to the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries and other state agencies for the maximization of benefit from that industry for the state of Louisiana and its citizens.

B. The task force shall be composed as follows:

(1) The governor or the governor's designee.

(2) Three members appointed by the secretary of the Department of Wildlife and Fisheries: one of whom shall be a marine biologist, one of whom shall be an enforcement agent, and one of whom shall be an economist.

(3) The commissioner of agriculture and forestry or the commissioner's designee.

(4) The secretary of the Department of Health and Hospitals or the secretary's designee.

(5) Three members and three alternate members appointed by the governor each of whom shall possess a commercial fisherman's license with a "certified" endorsement pursuant to R.S. 56:303(E), with four to be selected from a list of six nominees submitted by the Louisiana Shrimp Association and two to be selected from a list of six nominees submitted by the secretary of the Department of Wildlife and Fisheries.

(6) One member appointed by the governor who is an active Louisiana dock buyer of shrimp.

(7) Three members and three alternate members appointed by the governor who are active Louisiana shrimp processors, at least one of whom is selected from a list of three nominees submitted by the American Shrimp Processors Association.

C. The members appointed under the provisions of Paragraphs (B)(1) through (4) of this Section shall be nonvoting members. In addition, they shall not be considered members of the task force for determination of the number of members necessary for a quorum and for establishing the presence of a quorum.

D. The task force shall adopt bylaws under which it shall operate, and four voting members of the task force shall constitute a quorum sufficient to conduct meetings and business of the task force. The governor shall appoint the chairman of the task force for a period of one year and thereafter, the task force shall elect a chairman from its membership and may seek and receive assistance from universities within the state in the development of methods to increase production and marketability of shrimp. The members of the task force shall serve without compensation; however, the task force may receive the same reimbursement of travel expenses for attending the meetings as is allowed for other state employees' travel.

E. The task force is hereby charged with responsibility to do the following:

(1) Coordinate efforts to increase shrimp production and marketability.

(2) Provide for the study of the decline in shrimp marketability and market price, provide for the study of the impacts of imported shrimp on the domestic market, assist in the development of a state shrimp inspection program, assist in the development of a Louisiana shrimp certification and branding program, and make recommendations to the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries, the Department of Natural Resources, the Department of Agriculture and Forestry, and the Department of Health and Hospitals for implementation of policies to help enhance the domestic shrimp industry.

(3) Make recommendations with respect to issues pertaining to the shrimp industry and shrimp production to the various state agencies charged with responsibility for differing elements of the shrimp industry in this state, including the Department of Wildlife and Fisheries, the Department of Natural Resources, and the Office of Coastal Protection and Restoration, the Department of Health and Hospitals, the Department of Agriculture and Forestry, and the legislature.

F. The activities of the Shrimp Task Force shall be funded through the Shrimp Marketing and Promotion Account of the Seafood Promotion and Marketing Fund (R.S. 56:10(B)(1)(b)(i)) and the "Shrimp Trade Petition Account" (R.S. 56:10(B)(1)(b)(ii)).

Acts 2010, No. 606, §2.

§495. Defining inside and outside waters

A. Solely for the purpose of this Subpart, the shrimping waters of the state are divided into two classes, inside and outside waters. The line of demarcation of the classes of water shall commence at the coastal boundary between Texas and Louisiana and terminate at the coastal boundary between Mississippi and Louisiana and is more particularly described as follows, to wit:

(1) Beginning at a point on the state line between Texas and Louisiana from "Texas Point", approx. lat. 29°41'00" N. and long. 93°50'15" W.

(2) Thence approx. N. 23°16' E., approx. 4000' to the southeast point of land of the Sabine Pass (Louisiana Point), lat. 29°41'42" N. long. 93°50'03" W.

(3) Thence in an easterly direction along the shoreline to the southwest point of land of Calcasieu Pass, approx. lat. 29°45'33" N. long. 93°20'45" W.

(4) Thence N. 45°12' E. for approximately 1500' to the southeast point of land of Calcasieu Pass, lat. 29°45'48" N. long. 93°20'30" W.

(5) Thence easterly along shore to the most southwesterly point of land, lat. 29°45'30" N. long. 93°07'30" W. at the mouth of the Mermentau River.

(6) Thence S. 78°15' E. for approx. 4000' to a point of land at lat. 29°45'21" N. long. 93°06'15" W. on the southeast side of the mouth of the Mermentau River.

(7) Thence along the shore to a point of land on the southwest side of Southwest Pass, lat. 29°35'15" N. long. 92°02'32" W.

(8) Thence S. 65°45' E. to Lighthouse Point on the southeast side of Southwest Pass and the most westerly point of Marsh Island, lat. 29°34'39" N., long. 92°02'06" W.

(9) Thence along south shoreline to a point of land on the southeast side of Marsh Island known as South Point, lat. 29°29'15" N. long. 91°45'48" W.

(10) Thence S. 74° 10' E. for approximately 52,786' to a platform at lat. 29°26'54" N. long. 91°36'13" W.

(11) Thence S. 68°19" E. for approximately 57,515' to Eugene Island lat. 29°22'20" N. long. 91°23'03" W.

(12) Thence S. 35°05' E. for approx. 16,000' to the most westerly point of land on Pointe Au Fer Island, known as Pointe Au Fer, approx. lat. 29°19'59" N. long. 91°21'09" W.

(13) Thence along the south shoreline to a point of land on the southwest side of the mouth of Oyster Bayou, lat. 29°13'12" N. long. 91°07'53" W.

(14) Thence E. for approx. 1,000' to the point on the southeast shore of Oyster Bayou, lat. 29°13'12" N. long. 91° 07'48" W.

(15) Thence along the south shore to a most southeasterly point of land on the west side of Bayou DeWest, lat. 29°11'01" N. long. 91°03'41" W.

(16) Thence N. 80° E. for approx. 7,427' to the most southerly point of land on Pelican Island, lat. 29°11'13" N. long. 91°02'19" W.

(17) Thence S. 81° E. for approx. 3,122' to the most southerly point of an island between Pelican Pass and Taylors Bayou, lat. 29°11'09" N. long. 91°01'44" W.

(18) Thence S. 45° E. for approximately 3,707' to a point of land on the southeast side of the mouth of Taylors Bayou, lat. 29°10'43" N. long. 91°01'14" W.

(19) Thence S. 68° E. for approx. 3,286' to the most southeasterly point of land at the mouth of Jack Stout Bayou, lat. 29°10'31" N. long. 91°00'39" W.

(20) Thence along the south shoreline to a pipeline sign on the most easterly point of land on the west side of the mouth of Grand Bayou du Large, lat. 29°11'01" N. long. 90°57'49" W.

(21) Thence N. 80°07' E. for approximately 3,510' to a point at the mouth of Fish Bayou, lat. 29°10'55" N. long. 90°57'10" W.

(22) Thence in a southeast direction along the shoreline to the southeasterly most point on the west shore of Bayou Grand Caillou lat. 29°10'27" N. long. 90°56'39" W.

(23) Thence S. 64°50' E. approximately 2,387' to the easterly side of Bayou Grand Caillou lat. 29°10'16" N. long. 90°56'14" W.

(24) Thence in a southeast direction along the northeast shore of Caillou Bay to a most westerly point of land on the north side of Grand Pas Des Ilettes, lat. 29°07'02" N. long. 90°52'50" W.

(25) Thence S. 36° E., for approx. 3,000' to the most westerly point of land on the south side of Grand Pas Des Ilettes, lat. 29°06'30" N. long. 90°52'43" W.

(26) Thence in a southeast direction along the northeast shore of Caillou Bay to the most westerly point on the north shore of Pass Wilson, lat. 29°04'60" N. long. 90°51'12" W.

(27) Thence in a southeasterly direction to the most westerly point on the south shore of Pass Wilson lat. 29°04'29" N., long. 90°51'08" W.

(27.1) Thence, along the shore to the most southeasterly point of land on the west side of a pass between Pelican Lake and Bay Round lat. 29°03'57" N. long. 90°50'07" W.

(28) Thence in a southeasterly direction to the U.S. Coast Guard navigational light off the northwest shore of Caillou Boca, lat. 29° 03'10" N., long. 90° 50' 27" W.

(29) Thence south, southeast along the west, southwest coast of the island to 29°02'41" N. long. 90°50'19" W.

(30) Thence along the south shore of the Isles Dernieres to the most easterly point on the west side of Whiskey Pass lat. 29°03'16" N. long. 90°48'03" W.

(31) Thence S. 74° E. approximately 11,258' to the most westerly point of land on the east side of Whiskey Pass, lat. 29°02'44" N. long. 90°46'01" W.

(32) Thence in an easterly direction along the south shore of Isles Dernieres to a tank battery on the east end of the Isles at Wine Island Pass, lat. 29° 04' 19" N., long. 90° 38' 29" W.

(32)(a) Thence in a northeasterly direction to the most easterly point of the Wine Island rock jetties, lat. 29° 05'38" N. long. 90° 36'30" N.

(33) Thence in a southeasterly direction to the tank battery on the west end of Timbalier Island lat. 29° 05' 26" N., long. 90° 32' 16" W.

(34) Thence eastward along the south shore to a point of land on the northeast part of Timbalier Island on the west side of Little Pass Timbalier lat. 29°03'42" N., long. 90°25'48" W.

(35) Thence N. 83°52' E. approximately 4.2 miles to the southwest point of land on East Timbalier Island lat. 29°03'42" N., long. 90°20'24" W.

(36) Thence easterly along the south shoreline to a point of land most southwest at the mouth of Belle Pass, lat. 29°05'10" N. long. 90°13'36" W.

(37) Thence to the east side at a point of land most southerly at the mouth of Belle Pass, lat. 29°05'07" N. long. 90°13'30" W.

(38) Thence easterly along the south shoreline to a point of land on the southwestern side of Caminada Pass, lat. 29 degrees 11 minutes 24.540 seconds N. long. 90 degrees 02 minutes 46.597 seconds W.

(39) Thence northwesterly along the southwestern shoreline of Caminada Pass to a point of land, lat. 29 degrees 12 minutes 03.720 seconds N. long. 90 degrees 03 minutes 20.237 seconds W.

(40) Thence North 11 degrees 01 minutes 28 seconds East a distance of 1174 feet to a point on the northwesterly shoreline of Caminada Pass, lat. 29 degrees 12 minutes 15.123 seconds N. long. 90 degrees 03 minutes 17.705 seconds W.

(41) Thence northeasterly along the northwesterly shoreline of Caminada Pass to the intersection of an underground power line as marked by two platforms in Caminada Pass, lat. 29 degrees 12 minutes 24.916 seconds N. long. 90 degrees 03 minutes 09.891 seconds W.

(42) Thence South 68 degrees 39 minutes 51 seconds East along the underground power line as marked by two platforms in Caminada Pass, a distance of 3701 feet to the northwesterly shoreline of Grand Isle, lat. 29 degrees 12 minutes 11.583 seconds N. 90 degrees 02 minutes 30.991 seconds W.

(43) Thence southwesterly along the northwesterly shoreline of Grand Isle to a point of land, lat. 29 degrees 11 minutes 55.443 seconds N. long. 90 degrees 02 minutes 25.426 seconds W.

(44) Thence along the south shoreline to the most easterly point of Grand Isle at Barataria Pass, lat. 29° 16' N. long. 89° 57' 15" W.

(45) Thence N. 5° 10' E. for 2,135' to the Sea Buoy (green blinking light on turning buoy) at lat. 29° 16' 21" N. long 89° 57' 13" E.

(46) Thence N. 87° 03' 22" E. for 2,570' to Fort Livingston ruins lat. 29° 16' 22" N. long. 89° 56' 44" W.

(46.1) Thence easterly along the south shoreline of Grand Terre Island to a point of land most easterly on the west side of Pass Able at N 29° 17' 49.2" W 89° 54' 28.2".

(46.2) Thence easterly at approximately 60° for 1.29 miles across to the eastern side of the pass to a point at N29° 18' 28.8" W 89° 53' 25.8".

(47) Thence along the shoreline for approximately 1.45 miles to the easterly most point of land on the west side of Quartre Bayou Pass at N 29° 18' 44.6" W 89° 51' 32".

(47.1) Thence northeasterly at 67° for approximately .93 miles across Quartre Bayou Pass to the western point of land on the east side of Quartre Bayou Pass at N 29° 19' 5.2" W 89° 50' 32.5".

(47.2) Thence along the southern shoreline for .33 miles to a point on the western side of a wash out below Bay Long at N 29° 19' 4.8" W 89° 50' 9.9".

(48) Thence easterly at 90° for approximately .79 miles across to the eastern side of the wash out at N 29° 19' 3.3" W 89° 49' 15.8".

(48.1) Thence for 1.90 miles along the southern shoreline to the most easterly point of land on the west side of an opening known as Shell Cut at N 29° 18' 56.8" W 89° 47' 5.6".

(48.2) Thence across to the western most point on the eastern side of Shell Cut at N 29° 18' 56.8" W 89° 47' 5.6".

(49) Thence for approximately 2.54 miles along the southern shoreline to the eastern most point of land on the western side of Chaland Pass at N 29° 18' 29.2" W 89° 44' 8.4".

(50) Thence east to the most westerly point of land on the east side of the mouth of Chaland Pass at N 29° 18' 31" W 89° 44' 6.3".

(51) Thence along the south shore for approximately 2.86 miles to the easterly point of land on the west side of Grand Bayou Pass at N 29° 17' 40.8" W 89° 40' 58.8".

(51.1) Thence across the pass to the westerly most point of land on the east side of Grand Bayou Pass at N 29° 17' 40.3" W 89° 40' 57.4".

(52) Thence along the south shoreline for approximately 1.22 miles to a point of land on the west side of the wash out below Shell Island Bay at N 29° 17' 21.7" W 89° 39' 37.1".

(52.1) Thence easterly at 113° for approximately 1.74 miles across to the east side of the washout below Shell Island Bay at N 29° 16' 39.3" W 89° 37' 47.5".

(52.2) Thence along the shoreline for approximately 1.56 miles to a point of land on the western side of Empire Canal at N 29° 15' 43.5" W 89° 37' 47.5".

(52.3) Thence southeasterly across the Empire Channel at 127° for approximately .21 miles to a point of land on the eastern side of the Empire Canal at N 29° 15' 29.8" W 89° 36' 19.9".

(52.4) Thence south along the eastern side of the Empire Canal for approximately .32 miles to a point of land at N 29° 15' 12.3" W 89° 36' 24.7".

(53) Thence easterly along the south shoreline of Pelican Island for approximately 2.21 miles to the eastern most point of land on the west side of the mouth of Scofield Bayou at N 29° 14' 47.1" W 89° 33' 54.5".

(54) Thence across the mouth of Scofield Bayou for approximately .17 miles to a point on the eastern side at N 29° 14' 55.3" W 89° 33' 51.3".

(54.1) Thence along the shoreline for 2.46 miles to a point of land on the west side of a washout below Bay Coquette at N 29° 13' 57.9" W 89° 30' 59.0".

(54.2) Thence eastward at 116° for .69 miles across the washout to a point of land below Bay Coquette at N 29° 13' 38.6" W 89° 30' 16.8".

(55) Thence along the south shoreline for .22 miles to the easterly point of land on the west side of the mouth of Sandy Point Bay at N 29° 13' 39.4" W 89° 30' 1.5".

(55.1) Thence at 126° for .86 miles across the mouth of Sandy Point Bay to a point of land on the west side of Sandy Point Island at N 29° 13' 7.9" W 89° 29' 14.6".

(55.2) Thence along the south shoreline for .30 miles to a point on the eastern side of Sandy Point Island at N 29° 13' 1.9" W 89° 28' 55.5".

(56) Thence for .51 miles to a point of land on the east side of Sandy Point Bay at N 29° 12' 52.4" W 89° 28' 22.2".

(56.1) Thence easterly across a canal to a point of land at N 29° 12' 51.2" W 89° 28' 19.6".

(56.2) Thence southerly across the opening of a canal to a point of land at N 29° 12' 46.6" W 89° 28' 11.4".

(56.3) Thence along the shore to a point of land on the north side of Red Pass at N 29° 12' 39.4" W 89° 28' 11.4".

(56.4) Thence across to the south side of Red Pass at N 29° 12' 35.7" W 89° 28' 13.4".

(56.5) Thence southeasterly along the shore for approximately 2.05 miles to the west side of a washout at N 29° 10' 55.2" W 89° 26' 53.5".

(56.6) Thence at 152° for 1.08 miles across to the east side of a washout at a point of land at N 29° 09' 58.1" W 89° 26' 20.4".

(57) Thence approximately 1.69 miles at 152° to the red buoy #10 on the east side of Tiger Pass at N 29° 8' 27" W 89° 25' 28".

(58) Thence southeasterly at 128° for 2.11 miles to a point of land at N 29° 7' 8" W 89° 23' 35".

(59) Thence at 75° for approximately 1.15 miles to the radio tower at N 29° 7' 25" W 89° 23' 19".

(60) Thence 139° for approximately 2.53 miles to a manifold platform on the east side of Grand Pass at N 29° 5' 28" W 89° 20' 26".

(61) Thence S. 74°06" E. approximately 4,170' to a point of land on the east side of the mouth of Grand Pass, lat. 29° 04'30" N. long. 89° 21'09" W.

(62) Thence 183° for 2.02 miles to a point of land west of Double Bayou at N 29° 3' 27" W 89° 20' 38".

(63) Thence along the east shoreline of West Bay to a most southerly point of land on the west side of the mouth of Southwest Pass, lat. 28° 55'50" N., long. 89° 25'00" W.

(64) Thence southeast to the most southerly point of land on the east side of the mouth of Southwest Pass, lat. 28° 55'30" N., long. 89° 24'42" W.

(65) Thence northeast along the west shore of East Bay to the mouth of Joseph Bayou, lat. 29° 03'36" N., long. 89° 15'37" W.

(66) Thence due east for approx. 14,000' to a point of land lat. 29° 03'36" N., long. 89° 12' 51" W.

(67) Thence south along the east shoreline of East Bay to a most southerly point of land on the west side of South Pass, lat. 28° 59' N., long. 89° 08'42" W.

(68) Thence northwest along the west shore of Garden Island Bay to a most southerly point of land on the west side of Cadro Pass, lat. 29° 03'36" N., long. 89° 09'42" W.

(69) Thence N. 78° 59' E. for approximately 3,500' to a point of land on the west side of the mouth of Dennis Pass, lat. 29° 02'42" N. long. 89° 09'03" W.

(70) Thence N. 47° 17' E. for approximately 14,600' to the most easterly point of land on Lookout Island, lat. 29° 04'18" N., long. 89° 07' W.

(71) Thence S. 71° 38' E. approx. 9,000' to the most southerly point of land on the southwest side of Southeast Pass, lat. 29° 04'06" N., long. 89° 03'45" W.

(72) Thence N. 20° 45' E. to the most easterly point on the north side of Northeast Pass, lat. 29° 08'15" N., long. 89° 01'37" W.

(73) Thence north 37° 20' E. for approx. 4,000' to the most easterly point of land on Thomasin Lumps, lat. 29° 10' N., long. 89° 00'20" W.

(74) Thence N. 20° 20' W. for approx. 6,000' to the most easterly point of the north side of the mouth of North Pass, lat. 29° 13' N., long. 89° 01'18" W.

(75) Thence in a southwesterly direction to the most northerly point on the east shore of Thomasin Bayou, lat. 29° 13'05" N., long. 89° 03'11" W.

(76) Thence S. 70° W., for approx. 7,700' to the most northerly point on the E. shore of Meyers Bayou, lat. 29° 12'30" N., long. 89° 04'30" W.

(77) Thence in a southerly direction to a point in the most southeasterly portion of Customhouse Bay, lat. 29° 11'39" N., long. 89° 04' W.

(78) Thence in a southwesterly direction along the south shore of Customhouse Bay to U.S.C. & G.S. Station Lout 1955, lat. 29° 11'19" N., long. 89° 05'19" W.

(79) Thence in a northerly direction along the west shore of Customhouse Bay to the most northerly point on the East shore of Willies Bayou, lat. 29° 12'09" N., long. 89° 05'32" W.

(80) Thence in a northwesterly direction along the shore to the most northerly point on the east shore of Tommy Dantz Bayou, lat. 29° 12'24" N., long. 89° 06'33" W.

(81) Thence N. 50° 30' W. for approx. 2,500' to the most easterly point on the north shore of Hingle Pass, lat. 29° 12'48" N., long. 89° 06'48" W.

(82) Thence in a northerly direction to the most northerly point on the east shore of Raphael Pass, lat. 29° 13'06" N., long. 89° 07' W.

(83) Thence N. 45° W. for approx. 4,800' to the most easterly point on the south shore of Twenty-Seven Pass, lat. 29° 14' N., long. 89° 07'32" W.

(84) Thence in a northerly direction to the most easterly point on the south shore of Dead Women Pass, lat. 29° 15' N., long. 89° 07'21" W.

(85) Thence N. 18° 30' W. for approx. 2,200' to the most northerly point on the north shore of Dead Women Pass, lat. 29° 15'38" N., long. 89° 07'03" W.

(86) Thence N. 59° 30' W. for approx. 7,000' to Harris (BSE) Station, lat. 29° 16'28" N., long. 89° 08'05" W.

(87) Thence in a northerly direction along the shore to the most northerly point on the east shore of Contrariete Pass, lat. 29° 16'45" N., long. 89° 08'06" W.

(88) Thence in a northwesterly direction along the shore to the most northerly point on the east shore of Bienvenue Pass, lat. 29° 17'12" N., long. 89° 08'15" W.

(89) Thence in a westerly direction along shore to Octave (BSE) Station, lat. 29° 17'27" N., long. 89° 09'15" W.

(90) Thence in a northerly direction along shore to the most northerly point of the east shore of the east fork of Gaspar Bayou, lat. 29° 17'45" N., long. 89° 09'18" W.

(91) Thence in a northwesterly direction along the shore to the most northerly point on the east shore of the west fork of Gaspar Bayou, lat. 29° 18'00" N., long. 89° 09'39" W.

(92) Thence N. 46° W., approx. 5,000' to the most easterly point on the north side of Delta Pass, lat. 29° 18'48" N., long. 89° 10'06" W.

(93) Thence N. 36° 30' W., approx. 14,000' to the most northerly point on the east side of Main Pass, lat. 29° 20'48" N., long. 89° 11'21" W.

(94) Thence N. 70° W., approx. 4,000' to the most northerly point on the west shore of Main Pass, lat. 29° 21'09" N., long. 89° 12'06" W.

(95) Thence in a southwesterly direction along the shore to the most northerly point on the east shore of Octave Pass, lat. 29° 19'51" N., long. 89° 12'53" W.

(96) Thence in a southwesterly direction along the shore to the most westerly point of the north shore of Battery Bayou, lat. 29° 18'18" N., long. 89° 13'45" W.

(97) Thence in a west, northwest direction along the shore to the most northerly point on the west shore of Spoonbill Bend which is also the most northerly point on the east shore of East Fork Pass, lat. 29° 18'39" N., long. 89° 14'32" W.

(98) Thence in a northwesterly direction along shore to the most northerly point on the east shore of Emeline Pass, lat. 29° 20'54" N., long. 89° 16'03" W.

(99) Thence N. 81° 33' W. for approximately 3,680' to the most northerly point on the west shore of Kimbel Pass, lat. 29° 21' N. long. 89° 16'44" W.

(99.1) Thence from Kimbel Pass for approximately 1.32 miles to a lighted buoy #18 of Baptiste Collete at N 29° 21' 35.6" W 89° 18' 9.0".

(100) Thence from #18 buoy at 305° for 1.91 miles to the south side of Taylor Pass at N 29° 22' 43.3" W 89° 19' 54.7".

(101) Thence N. 47° E., for approx. 47,000' to the most westerly point of land of Breton Island, lat. 29° 27'45" N., long. 89° 12'54" W.

(102) Thence along the southeast shoreline to the most northeasterly point of land, lat. 29° 28'03" N., long. 89° 11'12" W.

(103) Thence N. 58° 05' E. for approx. 9,000' to the most westerly point of land of Gosier Island, lat. 29° 31'12" N., long. 89° 05'45" W.

(104) Thence along the east shore to the most northerly point of land of Gosier Island, lat. 29° 33'42" N., long. 89° 02'45" W.

(105) Thence N. 43° 30' E. for approx. 13,000' to the most easterly point of land of Curlew Islands, lat. 29° 37'54" N., long. 88° 58'48" W.

(106) Thence N. 37° 30' E. for approximately 56,700' to a point of land on the southeast side of Chandeleur Islands lat. 29° 45'12" N., long. 88° 52'06" W.

(107) Thence northerly along the east shoreline of the Chandeleur Islands, going north to the Chandeleur light, lat. 30 degrees 02'52" N., long. 88 degrees 52'18" W., terminating at the Mississippi boundary.

(108) *Repealed by Acts 1991, No. 946, §2.*

B. All waters of the state shoreward of the line described in Subsection A hereof within which the tide regularly rises and falls or into which salt water shrimp migrate are inside waters. All waters seaward of the line described in Subsection A of this Section are outside waters.

C. For the purpose of determining if a person is shrimping in inside or outside waters, reference shall be made by LORAN C navigational instrument readings or global positioning satellite (GPS) navigational instrument readings for a vessel located on or in proximity to the boundary line between open and closed waters as set forth in Subsection A of this Section.

D. For the purposes of this Section, the department shall utilize LORAN C or GPS navigational instrument readings taken from such equipment located on department vessels or, if the shrimping vessel is equipped with LORAN C or GPS equipment, from the equipment located on the shrimping vessel.

Amended by Acts 1956, No. 92, §1; Acts 1958, No. 53, §3; Acts 1962, No. 452, §1; Acts 1971, No. 99, §1; Acts 1972, No. 203, §1; Acts 1977, No. 127, §1; Acts 1986, No. 554, §1; Acts 1987, No. 876, §1, eff. July 20, 1987; Acts 1988, No. 894, §1, eff. July 21, 1988; Acts 1989, No. 607, §1, eff. July 6, 1989; Acts 1990, No. 549, §1, eff. July 19, 1990; Acts 1991, No. 946, §§1 and 2; Acts 1992, No. 568, §1; Acts 1992, No. 641, §1; Acts 1993, No. 241, §1; Acts 1997, No. 446, §1, eff. Jan. 1, 1998; Acts 1999, No. 182, §1; Acts 2004, No. 162, §1.

§495.1. Trawling vessels; size of trawls; butterfly nets

A.(1) No trawling shall be permitted in inside waters during the closed season. No vessel may pull more than the following trawl rigging in inside waters:

(a) One trawl which shall not exceed fifty feet in length along the corkline and sixty-six feet along the lead line and in addition, one test trawl.

(b) Two trawls which shall not exceed twenty-five feet along the corkline, thirty-three feet along the lead line, and have trawl doors no larger than eight feet in length and forty-three inches in height and, in addition, one test trawl.

(c) Two trawls which shall not exceed twenty-five feet along the corkline, thirty-three feet along the lead line, and have no more than two outer trawl doors no larger than eight feet in length and forty-three inches in height and no more than two inner sled doors, and in addition, one test trawl.

(2) It shall be legal for a vessel in Breton and Chandeleur Sounds to pull no more than one or two trawls, either or both of which cannot exceed sixty-five feet along the corkline and eighty-two feet along the lead line in length, plus one test trawl. The boundary of Breton and Chandeleur Sounds for the use of these trawls shall be as follows: Beginning at the most northerly point on the south side of Taylor Pass, latitude 29 degrees 22 minutes 50.4 seconds N., longitude 89 degrees 20 minutes 3.8 seconds W. which is on the inside-outside shrimp line as described in R.S. 56:495; thence westerly to Deep Water Point, latitude 29 degrees 23 minutes 24.7 seconds N., longitude 89 degrees 22 minutes 49.8 seconds W.; thence westerly to Coquille Point, latitude 29 degrees 23 minutes 18.0 seconds N., longitude 89 degrees 23 minutes 57.7 seconds W.; thence westerly to Raccoon Point, latitude 29 degrees 24 minutes 02.3 seconds N., longitude 89 degrees 28 minutes 05.7 seconds W.; thence northwesterly to California Point, latitude 29 degrees 27 minutes 21.7 seconds N., longitude 89 degrees 31 minutes 19.7 seconds W.; thence northerly to Mozambique Point, latitude 29 degrees 37 minutes 43.4 seconds N., longitude 89 degrees 29 minutes 27.4 seconds W.; thence northeasterly to Grace Point (red light no. 62 on the MRGO), latitude 29 degrees 40 minutes 40.5 seconds N., longitude 89 degrees 23 minutes 08.0 seconds W.; thence northerly to

Deadman Point, latitude 29 degrees 44 minutes 23.0 seconds N., longitude 89 degrees 21 minutes 09.0 seconds W.; thence easterly to Point Lydia, latitude 29 degrees 45 minutes 48.0 seconds N., longitude 89 degrees 17 minutes 10.0 seconds W.; thence northerly to Point Comfort, latitude 29 degrees 49 minutes 33.7 seconds N., longitude 89 degrees 14 minutes 42.7 seconds W.; thence northerly to the most easterly point of Mitchell Island, latitude 29 degrees 53 minutes 46.0 seconds N., longitude 89 degrees 12 minutes 22.0 seconds W.; thence northerly to the most easterly point on Martin Island, latitude 29 degrees 57 minutes 29.6 seconds N., longitude 89 degrees 11 minutes 36.6 seconds W.; thence northerly to the most easterly point on Brush Island, latitude 30 degrees 02 minutes 38.6 seconds N., longitude 89 degrees 10 minutes 23.6 seconds W.; thence northerly to Door Point, latitude 30 degrees 03 minutes 46.0 seconds N., longitude 89 degrees 10 minutes 36.0 seconds W.; thence northerly to the most easterly point on Isle Au Pitre, latitude 30 degrees 09 minutes 20.5 seconds N., longitude 89 degrees 11 minutes 15.5 seconds W.; thence north 03 degrees 20 minutes 13 seconds east (grid) a distance of 20001.25 feet (grid) to a point on the Louisiana-Mississippi Lateral Boundary, latitude 30 degrees 12 minutes 37.9056 seconds N., longitude 89 degrees 10 minutes 57.9725 seconds W.; thence south 60 degrees 20 minutes 06 seconds east (grid) along the Louisiana-Mississippi Lateral Boundary a distance of 31555.93 feet (grid), latitude 30 degrees 09 minutes 58.1371 seconds N., longitude 89 degrees 05 minutes 48.9910 seconds W.; thence south 82 degrees 53 minutes 54 seconds east (grid) continuing along the Louisiana-Mississippi Lateral Boundary a distance of 72650.64 feet, latitude 30 degrees 08 minutes 14.6070 seconds N., longitude 88 degrees 52 minutes 10.0766 seconds W.; thence south 0 degrees 03 minutes 38 seconds west (grid) a distance of 32493.40 feet (grid) to the Chandeleur Light, latitude 30 degrees 02 minutes 53.0312 seconds N., longitude 88 degrees 52 minutes 18.4173 seconds W., which is on the inside-outside shrimp line as described in R.S. 56:495; thence southerly along the inside-outside shrimp line as described in R.S. 56:495 to the point of beginning.

(3) "Test trawl", as used in this Section, means a trawl which is not more than sixteen feet along the corkline or twenty feet along the lead line or head rope.

B. Fishing with a butterfly net or skimmer net shall be prohibited in inside waters during the closed season.

C. In outside waters, no vessel shall pull more than four trawls and one test trawl.

D. Violation of the provisions of this Section shall constitute a class four violation.

E.(1) In addition to any and all other penalties, for the first conviction of shrimping during the closed season, the court may revoke or suspend the violator's trawl, skimmer, and butterfly gear licenses for one year from the date of the conviction. During such revocation or suspension, the violator may be present on a vessel harvesting or possessing shrimp or possessing a trawl, skimmer, or butterfly net, only if the vessel is equipped with and employs an operating vessel monitoring system which is accessible to the Department of Wildlife and Fisheries. The court shall sentence the violator to perform forty hours of community service. If a litter abatement community service is available, the hours shall be served in a community service litter abatement program.

(2) For the second conviction of shrimping during the closed season, the court shall revoke or suspend the violator's trawl, skimmer, or butterfly gear licenses for three years from the date of the second conviction. During such revocation or suspension, the violator may be present on a vessel harvesting or possessing shrimp or possessing a trawl, skimmer, or butterfly net, only if the vessel is equipped with and employs an operating vessel monitoring system which is accessible to the Department of Wildlife and Fisheries. In lieu of the mandatory jail requirement found in R.S. 56:34, the court may sentence the offender to perform the corresponding amount of jail days in community service. If a litter abatement community service is available, the hours shall be served in a community service litter abatement program.

(3) For the third and subsequent convictions of shrimping during the closed season, the court shall revoke or suspend the violator's trawl, skimmer, or butterfly gear licenses for ten years from the date of the last conviction. During such revocation or suspension, the violator may be present on a vessel harvesting or possessing shrimp or possessing a trawl, skimmer, or butterfly net, only if the vessel is equipped with and employs an operating vessel monitoring system which is accessible to the Department of Wildlife and Fisheries. In lieu of the mandatory jail requirement found in R.S. 56:34, except for thirty days of the requirement, the court may sentence the offender to perform the corresponding amount of jail days in community service. If a litter abatement community service is available, the hours shall be served in a community service litter abatement program.

F.(1) Notwithstanding any other provision of law to the contrary, in Louisiana offshore territorial waters extending from the Texas state line to the Mississippi state line, each shrimping vessel shall, in addition to one test trawl, only use nets that do not exceed a total maximum per vessel of one hundred thirty feet of corkline and one hundred sixty-five feet of lead line.

(2) In addition to any other penalties provided by law, violation of the provisions of this Subsection shall constitute a class four violation.

(3) The provisions of this Subsection shall supersede and control to the extent of any conflict with any other provision of law.

G. Any person required to be on board a vessel with an approved vessel monitoring system shall comply with all rules and regulations adopted by the department to ensure compliance with vessel monitoring system requirements. The cost of a vessel monitoring system shall be the responsibility of the person required to be on such vessel. The department shall determine approved vessel monitoring systems.

Added by Acts 1962, No. 452, §2. Amended by Acts 1964, No. 490, §1; Acts 1971, No. 179, §1; Acts 1977, No. 549, §§1, 2; Acts 1978, No. 295, §1, eff. July 10, 1978; Acts 1979, No. 291, §1; Acts 1981, No. 837, §3; Acts 1983, No. 600, §1; Acts 1984, No. 692, §1; Acts 1985, No. 657, §1, eff. July 16, 1985; Acts 1986, No. 864, §1; Acts 1986, No. 904, §3; SCR No. 60, 1987; Acts 1988, No. 958, §1, eff. July 27, 1988; Acts 1988, No. 894, §1, eff. July 21, 1988; Acts 1990, No. 250, §1, eff. July 3, 1990; Acts 1991, No. 258, §1; Acts 1991, No. 931, §1; Acts 1995, No. 1140, §1, eff. June 29, 1995; Acts 1997, No. 262, §1, eff. June 17, 1997; Acts 1997, No. 277, §1; Acts 1999, No. 421, §1; Acts 2001, No. 148, §1; Acts 2005, No. 102, §1; Acts 2005, No. 183, §1; Acts 2008, No. 320, §1, eff. Aug. 1, 2008.

§496. Residence requirements; exception

Any persons, firm or association operating a shrimp processing plant in this state may take salt water shrimp from the waters of this state and process them.

Any restrictions affecting non-resident persons from taking or processing salt water shrimp does not apply to the citizens of any state which grant equal privileges or licenses to the citizens of this state and which said states have entered into the Gulf States Marine Fisheries Compact under 1950 R.S. 46:41 etc.

Amended by Acts 1952, No. 627, §1.

§497. Saltwater shrimp seasons; bait shrimp

A.(1) No person shall take, have in possession, sell, or offer for sale any saltwater shrimp taken from state waters except in open seasons.

(2) The open seasons for all or part of the state waters shall be fixed by the commission, with the exception of the spring brown shrimp season in that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island. The spring brown shrimp seasons in this area shall be

opened by the commission no later than the third Monday in May after considering the department's projection as to when fifty percent of the brown shrimp crop will be one hundred per pound or greater. The commission, through the secretary, shall close the season based on biological and technical data.

(3) The commission shall have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicates that marketable shrimp, in sufficient quantities, are available for harvest.

(4) The commission shall conduct a public hearing prior to determining whether or not to open or close a regular or special season. The commission shall give at least three days notice prior to the hearing on the decision to open or close a regular shrimp season and at least three days notice prior to the hearing on the decision to open or close a special season. Notice shall consist of a news release to the news media. The notice shall set forth the agenda and the date, time, and place for each hearing. At the public hearing, the commission shall adopt written reasons for its decision and such reasons shall specify the biological and technical data on which the decision is based and the market standard by which the data is evaluated. Such decision shall not be effective until at least seventy-two hours after the decision is made.

(5) The closing of outside waters to shrimping shall not be construed as prohibiting or otherwise affecting the trawling for finfish or underutilized species as defined in R.S. 56:8.

(6) The commission shall also have the right to set special shrimp seasons for all or part of the state waters. Opening of the seasons shall be based upon the best biological and technical data presented to the commission which indicates that marketable shrimp, in sufficient quantities, are available for harvest.

(7) The commission shall fix no less than two open seasons each calendar year for all inside waters by zone, based upon biological and technical data which indicates that marketable shrimp, in sufficient quantities, are available for harvest.

(8) No open season date shall begin on a Sunday.

(9) The commission may delegate to the secretary the powers, duties, and authority provided by this Section.

B.(1) Saltwater shrimp legally taken and processed within the state may be bought and sold at any time. Saltwater shrimp in their fresh state legally taken during the open seasons in state waters may be possessed for five days following the last day of each open season.

(2) Bait shrimp may be taken in state waters during the closed seasons, but only in cast nets; dip nets with a diameter not to exceed three feet operated only by hand without any mechanical device or pulley whatsoever; bait traps; and bait seines in compliance with R.S. 56:323 and 500(B). No shrimp may be taken in state waters during closed seasons with the use of a butterfly net, paupier, skimmer net, trawl, night trawl, or beam trawl except as set forth in this Subpart.

C.(1) The Louisiana Wildlife and Fisheries Commission is authorized to adopt rules and regulations for a special bait dealers permit and to allow the taking of live bait shrimp by qualified permit holders during the closed season beginning May first of each year and between the spring and fall shrimp seasons pursuant to such rules and regulations. The fee for such permit shall be one hundred ten dollars, and the permit may be purchased any time between January first and April thirtieth of each year. All revenues received through the sale of such permits shall be used for the administration of the bait dealer program.

(2) Violations of the bait shrimp regulations shall constitute a class four violation. In addition, the permittee shall forfeit the permit and any bond posted for the permit and shall be ineligible for a bait shrimp permit for one year from the date of conviction.

D. Violation of any of the provisions of this Section shall constitute a class four violation.

Amended by Acts 1954, No. 348, §1; Acts 1958, No. 53, §4; Acts 1962, No. 452, §3; Acts 1964, No. 490, §1; Acts 1966, No. 54, §1; Acts 1968, Ex.Sess., No. 53, §1; Acts 1969, No. 60, §1; Acts 1970, No. 504, §1; Acts 1974, No. 490, §1; Acts 1976, No. 238, §1; Acts 1984, No. 300, §1; Acts 1984, No. 692, §1; Acts 1984, No. 120, §1; Acts 1986, No. 570, §1; Acts 1987, No. 576, §1; H.C.R. No. 136, 1987 R.S.; Acts 1988, No. 893, §1, eff. July 21, 1988; Acts 1989, No. 510, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1995, No. 1080, §1; Acts 1997, No. 277, §1; Acts 1997, No. 871, §1, eff. May 15, 1998; Acts 1999, No. 185, §1; Acts 2001, No. 83, §1, eff. May 24, 2001; Acts 2004, No. 162, §1; Acts 2009, No. 115, §1.

§497.1. Trawl, skimmer, or butterfly gear license eligibility

A. Any person convicted of commercial or recreational shrimping during the closed season twice within a five-year period shall not be eligible to hold a trawl, skimmer, or butterfly gear license for a period of three years from the date of the second conviction.

B. Any person convicted of commercial or recreational shrimping during the closed season three or more times during a five-year period shall not be eligible to hold a trawl, skimmer, or butterfly gear license for a period of ten years from the date of the third or subsequent conviction.

C. Any person who is ineligible to hold a trawl, skimmer, or butterfly net gear license pursuant to the provisions of this Section is prohibited from engaging in commercial or recreational shrimping or being aboard a vessel harvesting or possessing shrimp or possessing a trawl, skimmer, or butterfly net gear unless the vessel is equipped with and employs an approved operating vessel monitoring system which is accessible to the Department of Wildlife and Fisheries. A violation of this provision shall constitute a class four violation.

Acts 2005, No. 102, §1.

§498. Size limit

A. During the spring open season defined in R.S. 56:497(A), there shall be no limitation as to count on any saltwater shrimp taken or held in possession.

B.(1) Except as otherwise provided in this Section, the possession count on saltwater white shrimp for each cargo lot shall average no more than one hundred whole specimens to the pound. This possession count shall be determined by counting the number of shrimp contained in two random separate three-pound samples taken from each cargo lot of shrimp. The first sample shall be taken and counted by an agent of the Department of Wildlife and Fisheries and the second sample shall be taken and counted by the fisherman. The average number of specimens from the combination of these two samples shall be used to determine the count per pound. A "cargo lot" as used herein shall mean a container, basket, box, chest, bin, hole, or storage compartment in which shrimp are kept for transport. However, during the time period from October fifteenth through the third Monday in December, there shall be no possession count on saltwater white shrimp taken or possessed. Such count shall apply to the taking or possession of such shrimp aboard a vessel, except for shrimp that are documented as having been legally taken in other states or countries and imported into this state.

(2) When more than fifty percent by weight of the saltwater shrimp taken or possessed is sea bobs or brown shrimp, then the maximum allowable amount of undersized white shrimp taken or possessed shall not exceed ten percent by weight of the total saltwater shrimp taken or possessed.

C. The restriction as to count provided in R.S. 56:498(B)(1) shall not apply to "sea bobs" (*Xiphopeneus Kroyeri*), also called "six barbes".

D. There shall be no size limit on bait shrimp taken in the manner prescribed in R.S. 56:497(B).

Amended by Acts 1950, No. 544, §1; Acts 1958, No. 53, §5; Acts 1962, No. 452, §4; Acts 1984, No. 586, §1; Acts 1989, No. 85, §1, eff. June 16, 1989; Acts 1989, No. 489, §1, eff. July 1, 1989; Acts 1991, No. 946, §1; Acts 1992, No. 619, §1, eff. July 2, 1992; Acts 1993, No. 443, §1, eff. June 9, 1993.

§499. Trawls, butterfly, and skimmer nets, and cast nets; size of mesh; length; diameter of butterfly and skimmer nets extensions; prohibited devices

A. Saltwater shrimp may be taken by means of trawls, butterfly nets, skimmer nets, or cast nets and by no other means except as provided in R.S. 56:497(B) and R.S. 56:571.

B.(1) No person shall take saltwater shrimp with any trawl, skimmer net, or butterfly net with a mesh size less than five-eighths of an inch square or one and one-fourth of an inch stretched. No trawl, skimmer net, or butterfly net may be used in closed waters. No person shall use a double butterfly net having an individual net frame more than twelve feet measured horizontally or vertically, whichever distance is greater, each or a single stationary butterfly net having an individual net frame greater than twenty-two feet measured horizontally or vertically, whichever distance is greater, except that persons on a vessel may use a double butterfly net having individual net frames of not more than sixteen feet measured horizontally or twelve feet measured vertically, each. No person on a vessel shall use a double skimmer net having an individual net frame more than sixteen feet measured horizontally or twelve feet measured vertically or twenty feet measured diagonally. Reinforcement framing that may be attached to the net frame shall not be considered in determining the dimensions of a double skimmer net. No double skimmer net shall have a lead line measuring more than twenty-eight feet for each net. No person shall tie individual skimmer nets together to exceed the herein stated specifications or use any trawl in conjunction with a butterfly or skimmer. Operation of butterfly and skimmer nets shall in no way impede or restrict normal navigation. A skimmer or butterfly net may be mounted no more than twenty-four inches from the side of the vessel.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection to the contrary, no person shall take saltwater shrimp with a trawl, skimmer net, or butterfly net with a mesh size of less than five-eighths of an inch square or one and one-fourth of an inch stretched in inside waters during the fall inshore shrimp season, except in that portion of the state's inside waters from the Atchafalaya River west to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, mesh size shall be no less than three-quarters of an inch square or one and one-half of an inch stretched in inside waters during the fall inshore shrimp season.

C. No person shall use sweeper devices, leads, extensions, wings, or other attachments in conjunction with or attached to butterfly nets or skimmer nets.

D.(1)(a) No person may operate a stationary shrimp net within one thousand feet upstream from another stationary shrimp net that is attached or moored to a wharf or platform that has been permitted by the United States Army Corps of Engineers.

(b) However, if two permitted wharves or platforms are located within one thousand feet of each other, the owner of the upstream wharf or platform may attach a stationary shrimp net thereto if any one of the following applies:

- (i) His permit from the corps of engineers was issued prior to the effective date of this Section.
- (ii) His permit from the corps of engineers was issued prior to the permit for the downstream wharf or platform.
- (iii) The owner of the downstream wharf or platform does not operate a stationary shrimp net.

(2) For purposes of this Subsection, stationary shrimp net means any net for taking shrimp, including a butterfly or skimmer net, that is attached to the water bottom, bank, or a fixed structure.

(3) A violation of this Subsection shall be a class one violation.

Acts 1985, No. 908, §1; Acts 1986, No. 904, §2; Acts 1989, No. 490, §1; Acts 1991, No. 931, §1; Acts 1993, No. 69, §1; Acts 1993, No. 263, §1, eff. Jan. 1, 1995; Acts 1997, No. 919, §1; Acts 2001, No. 87, §1; Acts 2003, No. 269, §1; Acts 2004, No. 879, §1.

§499.1. Use of trawls in certain areas around Calcasieu Lake; use and identification of butterfly nets in certain sections of East and West Passes of the Calcasieu River, Grand Bayou, and Oyster Bayou

A.(1) No person shall use a trawl for the taking of shrimp at night in the Cameron Parish sections of Calcasieu Lake, the Black Bayou System, Grand Bayou, and Little Burton's Ditch.

(2) No person shall use a skimmer net in Calcasieu Lake from one half hour after sunset until one half hour before sunrise; however, skimmer nets may be used during open season to take shrimp during the day and at night in all areas of Cameron Parish west of the western shore of Calcasieu Lake.

B.(1) Butterfly nets may be used for the taking of shrimp in Calcasieu Lake, Calcasieu River, Grand Bayou, and Calcasieu Ship Channel, all within Cameron Parish only, in the daytime and in the nighttime, during open season.

(2) All butterfly nets located in East and West Passes of the Calcasieu River in Grand Bayou, and in Oyster Bayou, all within Cameron Parish only, shall be tagged with a tag listing the fisherman's name, address, and butterfly net license number. This tag shall be attached to the net, frame, or any other structure or part directly attached to the net or frame in such a manner that it is above the water at all times. This tag shall be of readable size, easily visible, and with letters at least three inches high and of appropriate width.

(3) When a butterfly net located in West or East Pass of the Calcasieu River, in Oyster Bayou, or in Grand Bayou, all within Cameron Parish, is not being fished, all of the following shall apply:

(a) Any object to which the net is attached or mounted solely for purposes of fishing, including but not limited to any unmanned boat or vessel, floating platform, pontoon, or barge, shall be moved from the waterway and relocated adjacent to the shoreline in a manner which shall not present an obstruction or hazard to navigation.

(b) Any anchor or weight used to secure in the waterway the net or any object to which it is attached or mounted solely for purposes of fishing, including but not limited to any unmanned boat or vessel, floating platform, pontoon, or barge, shall be removed from the waterbottom.

(c) Any rope, line, chain, or other device used to connect to the shoreline the net and any object to which it is attached or mounted solely for purposes of fishing, including but not limited to any unmanned boat or vessel, floating platform, pontoon, or barge, shall be prohibited. However, the prohibition expressed herein shall not apply when such rope, line, chain, or other device is being used to secure, when not in use, such net and any object to which it is attached or mounted adjacent to the shoreline in a manner which shall not present an obstruction or hazard to navigation.

(4) Any butterfly net, whether or not it is being fished, that is not marked for identification so that the person owning or responsible for such net can be identified shall be considered contraband. Any agent finding the contraband butterfly net shall immediately seize and take it into custody and may obtain from a judge of any court in the parish where the butterfly net was found, an ex parte order forfeiting the contraband and ordering its destruction. An agent of the Department of Wildlife and Fisheries or authorized employee who seizes items as provided in this Paragraph is immune from liability and from suit for a seizure and destruction of a butterfly net.

C. Violation of the provisions of this Section constitutes a class two violation.

Added by Acts 1954, No. 251, §1. Amended by Acts 1966, No. 190, §1; Acts 1981, No. 837, §3; Acts 1985, No. 918, §1; Acts 1985, No. 872, §1; Acts 1986, No. 397, §1, eff. July 2, 1986; Acts 1986, No. 1077, §1, eff. July 17, 1986; Acts 2007, No. 296, §1; Acts 2009, No. 360, §1, eff. July 6, 2009.

§499.2. Butterfly and bottom nets; Lake Pontchartrain and Intracoastal Waterway

A. Notwithstanding the provisions of R.S. 56:801(15) to the contrary, in that area of Lake Pontchartrain south and east of the Interstate Highway 10 Bridge, south and eastward to include the waters of Lake St. Catherine and its passes, the Rigolets, Unknown Pass, and Chef Menteur Pass and south and eastward to Lake Borgne and that portion of the Mississippi River Gulf outlet and the Intracoastal Waterway from the Industrial Canal eastward to Lake Borgne, shrimp may be taken with butterfly nets and bottom nets. However, in Chef Menteur Pass, in the Rigolets and in those portions of Lake Pontchartrain and Lake Borgne which are within two miles of the Rigolets or Chef Menteur Pass, a butterfly net or bottom net may be used to take shrimp only when suspended from a fishing boat or vessel which is motor-propelled and underway.

B. No butterfly net or bottom net may be suspended from a piling, float, barge, raft, bridge, or shore installation in the Rigolets or Chef Menteur Pass or in those portions of Lake Pontchartrain or Lake Borgne which are within two miles of the Rigolets or the Chef Menteur Pass. However, in the Chef Menteur Pass a properly licensed single butterfly net measuring not more than twenty-two feet by twenty-two feet may be suspended from a wharf which has been approved by the U.S. Corps of Engineers and which is attached to privately owned or leased immovable property or to a structure that is not attached to privately owned or leased property if the owner has possessed a permit for such structure from the United States Corps of Engineers prior to 1988, provided that the owner or leaseholder is present on the immovable property or permitted structure at all times that the net is in the water.

Added by Acts 1972, No. 558, §2; Acts 1987, No. 517, §1; Acts 1988, No. 620, §1; Acts 1990, No. 581, §1.

§499.3. Butterfly and bottom nets; Oyster Bayou

A. In the body of water known as Oyster Bayou, located between Atchafalaya Bay and Terrebonne Bay, and extending one thousand feet outside of the points where Oyster Bayou connects with Fourleague Bay and the Gulf of Mexico, butterfly nets and bottom nets may be used to take shrimp only when suspended from a fishing boat or vessel which is motor propelled and underway.

B. Any anchor or weight used to secure in the waterway the net or any object to which it is attached or mounted, including but not limited to any unmanned boat or vessel, floating platform, pontoon, or barge, shall be prohibited.

C. Any rope, line, chain, or other device used to connect to the shoreline the net and any object to which it is attached or mounted, including but not limited to any unmanned boat or vessel, floating platform, pontoon, or barge shall be prohibited.

Acts 1993, No. 768, §1; Acts 2003, No. 189, §1.

§499.4. Night shrimping; inside waters; Vermilion Bay; East and West Cote Blanche Bays; Atchafalaya Bay; exceptions; prohibition

No person shall take shrimp at night, from one-half hour after official sunset until one-half hour before official sunrise, from the inside waters of Vermilion Bay, West Cote Blanche Bay, East Cote Blanche Bay, and Atchafalaya Bay, from the western shore of Vermilion Bay to the western shore of the Atchafalaya River and the Atchafalaya River Ship Channel out to Eugene Island, as described by the inside-outside line in R.S. 56:495, except that night shrimping shall be allowed in the waters of Southwest Pass at Marsh Island south of a line drawn from the following points: the most southeastward point of Southwest Pass at 29 degrees 36 minutes 47 seconds north latitude, 92 degrees 00 minutes 32 seconds west longitude east southeast to the Green Light Channel Marker Number 21 at 29 degrees 36 minutes 44 seconds north latitude, 92 degrees 00 minutes 21 seconds west longitude; thence northeast to a point located at 29 degrees 37 minutes 34 seconds north

latitude, 91 degrees 59 minutes 36 seconds west longitude; thence southeast to the western shore of Big Charles Bayou at 29 degrees 36 minutes 43 seconds north latitude, 91 degrees 59 minutes 17 seconds west longitude.

Acts 1995, No. 509, §1, eff. June 18, 1995; Acts 2008, No. 16, §1.

§500. Recreational possession limit; gear

A.(1) A recreational fisherman may, in open waters in open season, with a valid recreational gear license for a trawl issued as provided for in R.S. 56:302.3(B)(5)(a), use a trawl not to exceed sixteen feet and may take no more than an aggregate of one hundred pounds of shrimp per day to each boat, regardless of the number of persons thereon, provided the shrimp taken are used for bait or for the fisherman's own consumption and are not sold, traded, or otherwise permitted to enter into commerce.

(2) A recreational fisherman may, in open waters in open season, with a valid recreational gear license for a trawl issued as provided for in R.S. 56:302.3(B)(5)(b), use a trawl not to exceed twenty-five feet and may take no more than an aggregate of two hundred fifty pounds of shrimp per day to each boat, regardless of the number of persons thereon, provided the shrimp taken are used for bait or for the fisherman's own consumption and are not sold, traded, or otherwise permitted to enter into commerce.

B. A recreational fisherman may use a castnet not to exceed eight feet six inches in radius; a bait seine with a maximum mesh size not to exceed one-quarter inch mesh bar, one-half inch mesh stretched, and thirty feet in length; or a dip net not to exceed three feet in diameter to take saltwater shrimp. A recreational fisherman shall, at any time, take no more than fifty pounds of saltwater shrimp during closed season nor shall he take more than one hundred pounds of saltwater shrimp during open season, in the aggregate, per day, for each boat or land vehicle, regardless of the number of persons thereon, provided that the saltwater shrimp taken are used for bait or for the fisherman's own consumption and are not sold, traded, or otherwise permitted to enter into commerce.

Amended by Acts 1952, No. 627, §1; Acts 1958, No. 53, §7, emerg. eff. June 24, 1958; Acts 1979, No. 284, §1; Acts 1981, No. 492, §1; Acts 1981, No. 837, §3. H.C.R. No. 19, 1983 R.S.; Acts 1984, No. 693, §1; Acts 1984, No. 295, §1, §2, eff. July 1, 1984; Acts 1984, No. 230, §1, eff. June 29, 1984; Acts 1984, No. 299, §1; Acts 1984, No. 628, §1; H.C.R. No. 37, 1984 R.S.; Acts 1986, No. 904, §3; Acts 1987, No. 570, §1, eff. July 9, 1987; Acts 1987, No. 570, §2, eff. May 1, 1988; Acts 1991, No. 871, §1; Acts 1992, No. 54, §1; Acts 1993, No. 81, §1; Acts 1999, No. 181, §1; Acts 2003, No. 323, §1; Acts 2004, No. 161, §1.

NOTE: *See Acts 1986, No. 904, §5.*

§501. Commercial taking of freshwater shrimp

A. A properly licensed commercial fisherman may take freshwater shrimp in accordance with this Section.

B.(1) Freshwater shrimp may be taken in the Mississippi River and Intracoastal Waterway and only within one and one-half miles of the boat ramp adjacent to the Port Allen locks in either stream.

(2) A person shrimping pursuant to this Subsection shall use a wire net with a one-quarter inch bar and a maximum length of six feet. The net shall be marked with a one gallon jug painted international orange and displaying the words "Freshwater Shrimp" in black letters. In addition to a commercial fishing license, a fisherman fishing pursuant to this Subsection shall possess a freshwater shrimp net license issued pursuant to R.S. 56:305(B)(17).

(3) Only freshwater shrimp may be taken; all other species shall be immediately returned to the waters from which they were taken. A commercial fisherman shall not possess any other fish while fishing pursuant to this Subsection.

C. The Wildlife and Fisheries Commission may adopt rules and regulations authorizing the commercial taking of freshwater shrimp in areas in addition to those specified in Subsection B of

this Section. Such rules and regulations shall specify the gear that may be used, licenses that are required in such areas, and any restrictions on the possession of other species of fish.

D. Freshwater shrimp may be taken from January first through December thirty-first; however, the Wildlife and Fisheries Commission may adopt rules and regulations modifying season times and dates based on biological or technical data.

E. A violation of any provision of this Section or a rule adopted pursuant thereto constitutes a class two violation.

Acts 2004, No. 126, §1, eff. Nov. 15, 2004.

§502. Manifest of cargo of vessel carrying shrimp

All vessels transporting shrimp shall keep in writing a manifest of their cargo, a copy of which shall be filed on each trip with the dealer or processor to which delivery is made and a copy sent to the department. The manifest and records are open to inspection by the department. Statements giving the date, quantity, point of origin of each lot, and from whom purchased and to whom delivered shall be sent to the department on forms furnished for the purpose not later than the tenth of the month following date of delivery.

Acts 1984, No. 230, §1, eff. June 29, 1984; Acts 1991, No. 294, §1.

§§503, 504. *Repealed by Acts 1986, No. 904, §4.*

§505. *Repealed by Acts 2002, No. 75, §2, eff. July 1, 2002.*

§506. Excise tax; default in payment; penalty

A.(1) There is levied an excise tax on all saltwater shrimp taken from the waters of this state and on all shrimp imported into this state of fifteen cents per barrel of two hundred ten pounds or two hundred ten pounds equivalence.

(2) Saltwater shrimp taken from the waters of the state and whose heads are removed prior to delivery at a Louisiana landing will be computed at one hundred twenty-five pounds per barrel. Shrimp imported into this state whose heads are removed will be computed at one hundred twenty-five pounds per barrel. Shrimp imported into this state that are peeled will be computed at seventy-five pounds per barrel.

(3) For the purposes of the excise tax, all shrimp caught or transported by a vessel the operator of which possesses a valid Louisiana commercial fisherman's license pursuant to Part VI of this Chapter are deemed to have been taken in the waters of Louisiana. Out-of-state shipments shall comply with the provisions of R.S. 56:307.7 and shall be taxed as provided in this Section.

B. The excise tax on shrimp taken from the waters of the state is to be computed when in the fresh state, the excise tax on shrimp imported or brought in from out of state shall be computed based on the form such shrimp is imported, whether fresh, fresh frozen, packaged or containerized, and as delivered to the first wholesale/retail dealer in Louisiana and shall be paid by him; provided that wholesale/retail dealers operating boats as producers shall pay as required of the first wholesale/retail dealer. Excise tax on shrimp imported in the state brought to a cold storage facility shall be paid by the resident or nonresident wholesale/retail seafood dealer storing, brokering, or distributing such shrimp. Wholesale/retail dealers as first purchaser shall pay the tax on or before the tenth of the following month. A statement of the quantity of shrimp fished, purchased, imported, and/or received shall be made by certification on monthly report forms furnished by the department and shall accompany each payment.

C. No resident wholesale/retail dealer or nonresident wholesale/retail dealer required under this Subpart to pay the excise tax, or any other person who in any way deals in buying, selling, importing,

or handling saltwater shrimp, shall violate any provision of this Subpart. Violation of the provisions of this Section constitutes a class three violation.

D. A barrel of shrimp or any part thereof on which this tax has been paid shall not again be taxable. The monthly official report and pertinent records of the department shall be prima facie evidence of the payment or nonpayment of excise taxes.

E. Shrimp excise taxes shall be payable to the department on or before the tenth day of the month following the date of sale. Upon failure to pay excise taxes when due, a penalty of ten percent per month, not exceeding thirty percent in the aggregate, calculated upon the excise tax due, shall be levied and collected by the department in addition to the tax due. If there is a delinquency in the filing of reports and in the payment of taxes due as required above, demand for payment shall be made by the department as soon thereafter as possible, coupled with the warning that the license of the delinquent shall be revoked unless report is made and taxes paid. After demand for payment and warning, the department may seize any shrimp or parts of products thereof in the possession of a person liable for taxes and penalties due and sell them for payment of the tax and penalties. Any surplus from the proceeds of sale, after deducting all costs and charges, taxes, and penalties due, shall be paid to the owner of the shrimp or parts or products thereof seized. At any time after demand for payment and warning the license of any person who fails to make monthly reports and to pay excise taxes due shall be revoked by the department and shall so remain until all reports are made and all taxes due are paid with accrued penalties. Any person who refuses or fails to pay the excise taxes due or to make monthly reports as aforesaid, and whose license has been revoked, is hereby prohibited from buying and selling or otherwise engaging in the disposition of shrimp or parts or products thereof and other seafoods under the jurisdiction of this department.

F. The provisions of this Section shall apply to a nonresident wholesale/retail dealer whenever he buys saltwater shrimp directly from any fisherman in this state for out-of-state shipment and no excise taxes have been paid on these shipments and when a resident or nonresident wholesale/retail dealer buys or stores imported shrimp in this state.

G. The Louisiana Wildlife and Fisheries Commission is hereby authorized to adopt rules and regulations for the effective enforcement, protection, and administering of the shrimp excise tax, including regulations to prevent the commingling or false representation of foreign imported shrimp as domestically produced shrimp. The Louisiana Seafood Advisory Board may submit recommendations to the Louisiana Wildlife and Fisheries Commission relative to the effective enforcement, protection, and administering of the shrimp excise tax. Violations of any commission rule or regulation adopted by the commission pursuant to this Section shall be a class four violation.

H. All revenues received by the department pursuant to the shrimp excise tax shall be deposited into the Conservation Fund and used in amounts appropriated by the legislature exclusively by the enforcement division and its operations.

Acts 2002, No. 75, §1, eff. July 1, 2002.

§506.1. Fee for promotion and protection of wild-caught shrimp

For license years 2005 and 2006, any wholesale/retail seafood dealer who is required to pay excise tax on shrimp pursuant to R.S. 56:506 shall also pay an annual fee of one hundred fifty dollars for residents and six hundred dollars for nonresidents. Any wholesale/retail seafood dealer who bought, sold, acquired, handled, or purchased in excess of two hundred fifty thousand pounds of shrimp equivalent to head on weight during the previous license year shall pay an additional annual fee of one thousand dollars. Fees paid pursuant to this Section shall be indicated on the original valid wholesale/retail seafood dealers license. Any person who fails to comply with the provisions of this Section shall be guilty of a class three violation.

Acts 2004, No. 904, §1, eff. July 12, 2004.

NOTE: *See Acts 2004, No. 904, §3, relative to termination.*

§507. Penalty for violation of Subpart

A. Anyone who violates a Section of this Subpart for which no penalty has been given has committed a class three violation.

B. In addition to all other penalties provided by law, an agent shall seize any shrimp or parts or products thereof in the possession of a person violating the laws of this Subpart by taking shrimp in closed season. Any such seized shrimp shall be forfeited and subject to immediate disposition in accordance with rules and regulations adopted by the commission pursuant to the disposition of seized and forfeited perishables.

Amended by Acts 1950, No. 544, §1; Acts 1958, No. 53, §9; Acts 1981, No. 837, §3; Acts 1988, No. 959, §1.

§§508 to 513. *Repealed by Acts 1985, No. 876, §4, eff. July 23, 1985.*

§§514 to 521. *Repealed by Acts 1958, No. 53, §14, eff. June 24, 1958.*

§§522, 523. *Repealed by Acts 1985, No. 876, §4, eff. July 23, 1985.*

§§524, 525. *Repealed by Acts 1958, No. 53, §14, eff. June 24, 1958.*

§526. *Repealed by Acts 1985, No. 876, §4, eff. July 23, 1985.*

SUBPART F. LICENSE FEES FOR NON-RESIDENT COMMERCIAL FISHERMEN AND FISHING BOATS

§551. Harvest and sale of crabs

A. Harvest and sale of crabs produced in private artificial earthen reservoirs may be carried out at the time desired by the grower, and with seines or tackle selected by the owner. Commercial fish farm producers shall be entitled to transport, without restriction, on the public roads and highways of this state any and all equipment, except any electric fish shocking devices, necessary for the harvest of domesticated fish produced in privately owned waters.

B. The fish farmer may harvest and sell any species of crab or other crustacea that has been grown or stored in his private artificial reservoirs with prior approval of the Louisiana Wildlife and Fisheries Commission and under the regulation established by the Commission.

C. The provisions of this section shall not apply to the Parish of Orleans.

Added by Acts 1970, No. 309, §§1, 2. Amended by Acts 1981, No. 838, §1.

§§552, 553. *Repealed by Acts 1952, No. 627, §2.*

§554. *Repealed by Acts 1986, No. 904, §4.*

§§555, 556. *Repealed by Acts 1985, No. 876, §4, eff. July 23, 1985.*

§557. Disposition of moneys received

All moneys collected under the provisions of this Sub-part from fines paid for violation of the provisions of this Sub-part shall be remitted to the department not later than the tenth of the month following collection and shall be deposited by the department in the state treasury to the credit of the department's fund.

§558. Enforcement of penalties by civil proceedings

All penalties provided in this Sub-part shall be enforced against corporations by civil proceedings instituted by the proper enforcement officers of this state.

§§559, 560. *Repealed by Acts 1985, No. 876, §4, eff. July 23, 1985.*

§561. *Repealed by Acts 1986, No. 904, §4.*

SUBPART G. SEA FOOD INDUSTRIES

§571. Underutilized species, policy and purpose; permits; fees; rules and regulations

A. Recognizing the value of the seafood industry to the economy of the state of Louisiana, recognizing that the seafood industry employs hundreds of Louisiana citizens, thereby decreasing unemployment and the burden unemployment places on the state fisc, and further recognizing that the commercial fishing industry is in danger of collapsing as an industry due to escalating fuel prices, governmental regulations which have increased competition for limited state resources from non-Louisiana residents, and from rising costs of labor, fishing gear, and supplies, it is the policy and purpose of this Subpart to provide every method of encouragement and assistance to the commercial fishermen of the state of Louisiana, to protect a culture and heritage that is unique to Louisiana, to prevent unemployment of Louisiana citizens, to assure adequate food for Louisiana citizens, and to provide for economic stability in those areas of Louisiana so dependent on the seafood industry. To that end, the state shall foster and encourage its seafood industries.

B. The secretary of the department may issue permits to persons who are interested in the development of new fisheries designed to harvest underutilized species and to persons who are interested in the development of new gear and equipment to harvest fish and other aquatic species inside all fresh water and all salt water areas of the state. Permits issued pursuant to this Subsection shall be limited in duration to one year and shall be subject to monitoring, review, and suspension or revocation for cause by the secretary.

C. The secretary shall promulgate rules and regulations according to the Louisiana Administrative Procedure Act as set forth in Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, to be submitted to and approved by the respective legislative standing committees on natural resources and shall assess reasonable administrative fees for the issuance of permits and tags for equipment and gear.

D. Violation of any of the provisions of this Section constitutes a class three violation.

Amended by Acts 1978, No. 331, §1; Acts 1980, No. 834, §1; Acts 1981, No. 478, §1; Acts 1983, No. 712, §1; Acts 1992, No. 528, §1, eff. June 29, 1992.

§572. Legality of contracts

To the end that the seafood industries of this state may prosper and may not be destroyed, no contract or agreement which is designed or intended to promote the advancement and welfare of such industries shall be held to be illegal as a contract, conspiracy, or combination in restraint of trade nor shall the parties to the contract or agreement be penalized or enjoined as trusts, monopolies, conspirators, or combinations in restraint of trade, if the contract or agreement has been approved in writing by the secretary.

Amended by Acts 1981, No. 736, §1.

§573. Approval of contracts

The secretary may examine contracts and agreements relative to seafood and the products thereof and to the seafood industry submitted to him and approve in writing such contracts as in his opinion will promote the advancement and welfare of the seafood industries of the state.

Amended by Acts 1981, No. 736, §1.

§574. *Repealed by Acts 1992, No. 984, §18.*

§575. Rules, applications

The secretary of the Department of Wildlife and Fisheries shall promulgate rules and regulations, in accordance with the Administrative Procedure Act, which shall provide for a formula to determine the amount which each owner of a commercial fishing vessel shall receive to compensate for the increased costs of vessel fuel. Said formula shall take into consideration the amount of the fund for each fiscal year, the number of commercial vessels licensed by the department, the size of the vessel, the number of crew members employed on each vessel, and the average yearly catch per vessel. The regulations shall provide for the procedures to be used for application to the fund for assistance and the method of disbursement from the fund. These rules and regulations shall be subject to approval by the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment.

Added by Acts 1980, No. 834, §2; Acts 2008, No. 580, §7.

§576. Disbursements

Disbursements from the fund shall be made once each fiscal year as provided by rules of the department. The department shall set a date which shall be at the end of the primary fishing season as the cut off date for determination of compensation from the fund for each vessel. No compensation shall be paid to a person who is not a Louisiana resident.

Added by Acts 1980, No. 834, §2.

§577. Other powers and duties

The secretary of the Department of Wildlife and Fisheries shall have the power to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations as are deemed necessary and proper to carry out the purposes of this Sub-Part, and which are not otherwise provided for herein.

Added by Acts 1980, No. 834, §2.

SUBPART G-1. LOUISIANA SEAFOOD PROMOTION AND MARKETING BOARD

§578.1. Purposes

Recognizing that the commercial fishing industry in Louisiana has reached an ebb economically, creating an environment which has or could place, not only commercial fishermen, but also wholesale and retail dealers in dire economic straits, which situation could have an extreme economic impact on the state economy as a whole if nothing is done to alleviate the situation, and recognizing that there exist barriers and impediments to the economic well-being of the commercial fishery industry in Louisiana and recognizing that among these barriers and impediments, the virtual void in this state of any cohesive, coordinated and comprehensive seafood promotion and marketing

effort and stratagem has a significant negative impact on the seafood industry, the Legislature of Louisiana does hereby establish the Louisiana Seafood Promotion and Marketing Board in an effort to aid the industry in two vital aspects--product promotion and marketing development.

The purpose of this Subpart, then, is to enhance the public image of commercial fishery products, thereby promoting the consumption of these products and, further, to assist the seafood industry, including commercial fishermen and wholesale and retail dealers, in market development so as to better utilize existing markets and to aid in the establishment of new marketing channels. Attention to the promotion and marketing of non-traditional and underutilized species of seafood would be inherent in the purpose of the council established herein.

Added by Acts 1981, No. 890, §1.

§578.2. Louisiana Seafood Promotion and Marketing Board; creation and organization

A.(1) There is hereby created in the office of fisheries of the Department of Wildlife and Fisheries the Louisiana Seafood Promotion and Marketing Board. The agency shall have its domicile in Baton Rouge and shall be governed by a board of trustees composed of sixteen members, fifteen members to be appointed by the governor from persons engaged in the commercial seafood and alligator industry in Louisiana to serve terms concurrent with the governor, and the sixteenth member to be the secretary of the Department of Wildlife and Fisheries or his designated representative, who shall serve as an ex officio member.

(2) The appointed members shall be chosen as follows:

(a) One shall be appointed from a list of three names submitted by the American Shrimp Processors Association and the Louisiana Shrimp Association.

(b) One shall be appointed from a list of three names submitted by the Louisiana Oyster Dealers and Growers Association.

(c) One shall be appointed from a list of three names submitted by the Louisiana crawfish industry.

(d) One shall be appointed from a list of three names submitted by the Louisiana Restaurant Association.

(e) Two shall represent the harvesting sector of the shrimp industry, one or more of which shall be appointed from a list of names submitted by shrimp organizations or associations currently active throughout the state.

(3) Of the remaining nine members to be appointed:

(a) One member shall be a seafood retailer or wholesaler.

(b) One member shall represent the commercial saltwater finfish industry.

(c) One member shall represent the commercial freshwater finfish industry.

(d) One member shall be a seafood processor.

(e) One member shall represent the crab industry.

(f) One member shall be a home economist.

(g) One member shall represent the wild catfish industry.

(h) One member shall be a marketing specialist.

(i) One member shall represent the alligator industry.

(4) The names of each of the fifteen members appointed by the governor shall be submitted to the Senate for confirmation.

B. The members of the board shall meet and elect a chairman, vice chairman, and a secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by such officers or specifically designated by the board. The board may establish rules and regulations for its own government and the administration of the affairs of the board. The board may disqualify any appointed member for cause, including excessive absences from board meetings. If any board member is so disqualified, the vacancy created thereby shall be filled by appointment by the governor for the remainder of the unexpired term.

C. The presence of nine members of the board shall constitute a quorum for the transaction of all business and the carrying out of duties of the board. Each member shall take and subscribe to the oath of office prescribed for state officers. No member shall receive any salary, but each member shall receive the sum of twenty dollars per day for each day spent in actual attendance at meetings of the board or at meetings of duly appointed committees or subcommittees thereof and such allowance for traveling expenses in attending the meetings as is allowed for other state employees for traveling expenses.

D. The board shall maintain a record of its proceedings, and all matters requiring a vote of the board shall be recorded in the minutes in sufficient detail to determine whether subsequent action thereon is in compliance with the board's directives.

E. The board may employ a director and assistant director who shall be appointed by the board, subject to the approval of the secretary of the Department of Wildlife and Fisheries. The director and assistant director shall be in the unclassified service. The secretary may employ such other personnel for the board as he deems necessary and appropriate.

Added by Acts 1981, No. 890, §1. Amended by Acts 1982, No. 378, §1, eff. July 20, 1982; Acts 1986, No. 120, §2; Acts 1989, No. 498, §1; Acts 1992, No. 162, §1; Acts 1999, No. 753, §1; Acts 2008, No. 272, §1; Acts 2009, No. 131, §1.

§578.3. Powers, duties, and functions

The board shall have the following powers, duties, and functions:

- (1) To adopt a seal and alter the same at its pleasure.
- (2) To sue and be sued in its own name.
- (3) To identify marketing problems, obstacles, and significant issues.
- (4) To establish a marketing policy and goals and objectives therefor.
- (5) To develop markets and marketing strategies for the development of new and expanded markets for Louisiana seafood.
- (6) To give special emphasis to market promotion and development for underutilized species of Louisiana seafood.
- (7) To educate the Louisiana fishing industry and Louisiana government officials regarding potential markets for Louisiana seafood and regarding investment and tax incentives available to industries under other existing Louisiana law and fisheries development programs available under federal law.
- (8) To perform any acts deemed necessary and proper to carry out the duties and responsibilities imposed upon the board by the provisions of this Subpart.
- (9) To consider and to recommend to the legislature a mechanism whereby the Louisiana Seafood Promotion and Marketing Council shall be funded, including rules and regulations pertinent thereto.
- (10) To adopt rules and regulations necessary to carry out the purposes of the board.

Added by Acts 1981, No. 890, §1.

§578.4. Advertising, contracts and sales offices

A. The board, working with the Department of Wildlife and Fisheries, shall plan and conduct a campaign for advertising, publicizing, and promoting the increased consumption of Louisiana seafood, and may contract for any advertising, publicity, and sales promotion services. The board is further empowered to take any other action which it deems necessary to promote and to improve the well-being of the commercial seafood industry. The secretary is hereby authorized and empowered to carry out any and all contracts entered into by the board.

Added by Acts 1981, No. 890, §1.

§578.5. Loan guarantees

A. Pursuant to the rules and regulations adopted by the board and in furtherance of the purposes of the board, the board may:

(1) Loan to any qualified person, firm, corporation, partnership, or association of this state a sum not in excess of seventy-five percent of the value of the property offered as security pursuant to a first mortgage, or a sum not in excess of fifty percent of the value of the property offered as security pursuant to a second mortgage, solely for the purchase, construction, or necessary improvement of any equipment, machinery, or structure used in the catching, harvesting, processing, or packaging of seafood in Louisiana. Any such loan shall be made pursuant to duly promulgated regulations of the board, which at a minimum shall require the borrower to execute a note secured by a first or second mortgage payable to the board within such time and on such terms, together with such endorsements and additional security as the board may require.

(2) Participate in any loan made by any bank, financial institution, or federal agency to any qualified person, firm, corporation, partnership, or association of this state for the purchase, construction, or necessary improvement of any equipment, machinery, or structure used in the catching, harvesting, processing, or packaging of seafood in Louisiana, which in the judgment of the board will provide additional or improved facilities for the catching, harvesting, processing, or packaging of seafood in Louisiana. Participation on the part of the board shall not exceed seventy-five percent of the total amount required by the borrower for any purpose herein authorized, and participation shall be in accordance with duly promulgated regulations, which at a minimum shall require the following:

(a) When the board's participation is paid directly to the borrower, the debt shall be evidenced by a note properly executed by the borrower, payable to the board within such time and on such terms, together with such security as the board may require, consistent with the requirements set forth in Paragraph (1) of this Subsection.

(b) When the board's participation is paid directly to the bank, financial institution, or federal agency through which the loan was negotiated, the debt shall be evidenced by a participation certificate, properly executed by the bank, financial institution, or federal agency, payable to the board, setting forth the terms and conditions under which the board agrees to participate, the amount of the participation, the security pledged for repayment, and the time within which such loan shall be liquidated.

(3) Underwrite and guarantee payment not in excess of seventy-five percent of any loan made by any bank, financial institution, or federal agency to any qualified person, firm, corporation, partnership, or association for the purchase, construction, or necessary improvement of any equipment, machinery, or structure used in the catching, harvesting, processing, or packaging of seafood in Louisiana which, in the judgment of the board will provide additional or improved facilities for the catching, harvesting, processing, or packaging of seafood in Louisiana. The board shall promulgate regulations thereon which shall require, as a minimum, that when any portion of any loan is underwritten and guaranteed by the board, an agreement shall be executed in the form

of a commitment setting forth the terms and conditions under which the board is obligated and the extent to which repayment of the loan is guaranteed and secured.

B. The total amount outstanding on all loans made, guaranteed, or participated in by the board shall not exceed three million dollars, and on any such loans or guarantees the board shall impose and collect a charge equal to one percent of the amount of the board's participation. After compliance with Article VII, Section 9 of the Constitution of Louisiana, an amount equivalent to such charges collected shall be credited to the board and placed in a special fund designated as the Seafood Marketing Loss Fund, to be used to cover losses the board may incur.

C. The board may take such steps as it deems necessary or as required by this Subpart and the regulations applicable thereto, to protect the interest of the state in any property mortgaged to secure loans or guarantees made under the provisions of this Subpart, including payment of the mortgage or the interest of a lending agency and with subrogation to the lending agency's interest in the property mortgaged.

D. The board shall make no loans, nor shall it participate in, nor shall it guarantee the repayment of any portion of any loan made for any purpose authorized in this Subpart which will result in the property offered as security thereunder being burdened with an outstanding indebtedness in excess of seventy-five percent of the value of the property.

E. The board shall make no loan, nor shall it participate in, nor shall it guarantee the repayment of any portion of any loan for any authorized purpose for a period of more than five years. However, the board may, from time to time, renew, extend, or agree to the renewal or extension of any loan made or guaranteed for such additional time as may be deemed advisable, but not to exceed a total of fifteen years. All balloon notes shall be renewed at the prevailing interest rate at the time of renewal.

F. The board shall fix the rate of interest to be charged on all loans made by the board, including that portion of loans in which the board participates. After compliance with Article VII, Section 9 of the Constitution of Louisiana, an amount equivalent to such interest rate charged shall be credited to the board for use in the loan program and to offset the costs of implementation of this Act.

Added by Acts 1981, No. 890, §1.

§578.6. Loans; limitations

A. The board shall not enter into any loan or guarantee or participate in any loan as authorized by the provisions of this Subpart unless the board first determines that:

(1) The applicant has been refused a loan by two banks or other financial institutions normally making loans of this nature in the general course of its business in the community in which the applicant is doing business, which refusal shall be evidenced in writing, setting forth the reasons for refusal.

(2) The applicant has exhausted all other resources from private or other governmental agencies which, at the discretion of the board, would be applicable.

(3) The applicant has the necessary licenses and permits to engage in the business for which the loans or guarantees are being obtained and there is not pending any proceeding to deny or revoke such license or permit; and

(4) There are no outstanding circumstances of which the board is aware that would indicate an inability on the part of the applicant to fulfill the financial obligations incurred as a result of the loan or guarantee.

Added by Acts 1981, No. 890, §1.

§578.7. Appropriations; warrants; records

Funds made available by the legislature from the Seafood Promotion and Marketing Fund as provided in R.S. 56:10 or from any other source shall be used solely for the programs and purposes provided for in this Subpart. The Department of Wildlife and Fisheries shall maintain records of the sources of money received and the purpose therefor, as well as the person or persons to whom money is paid and the purpose therefor. Vouchers or receipts shall be kept for all money paid out. Money appropriated or otherwise made available to the department for authorized purposes shall be withdrawn from the treasury on warrant of the secretary of the department.

Added by Acts 1981, No. 890, §1. Acts 1984, No. 230, §1, eff. June 29, 1984.

§578.8. Annual reports

The board shall make a written operating report to the legislature at the end of each fiscal year, setting forth the applications for loans and guarantees considered during the preceding year, consisting of a brief description of each such application, the amount thereof, the name and address of the applicant and the type of business in which he is engaged, the purpose of the loan or guarantee application, a brief statement of the reasons for approving or denying the applications, and the current status of all of the outstanding loans and guarantees. This report shall be submitted to the House and Senate committees on natural resources not later than thirty days after the end of the fiscal year.

Added by Acts 1981, No. 890, §1.

§578.9. Approval of regulations

Any regulations promulgated as provided herein shall be submitted to and approved by the respective legislative standing committees on natural resources.

Added by Acts 1981, No. 890, §1.

§578.10. Seafood packaging regulations

The secretary of the Department of Wildlife and Fisheries is authorized to adopt rules and regulations in accordance with the Administrative Procedure Act establishing standards for the packaging of seafood in Louisiana for wholesale or retail sale. Those standards may govern the quality, contents, and weight of all seafood packaged in this state. The Louisiana Seafood Promotion and Marketing Board may make recommendations to the secretary for standards for the packaging of seafood. For purposes of this Section, retail sale shall not include food service establishments which only serve food prepared for on premises or off premises consumption as defined by R.S. 40:5.5(E).

Acts 1986, No. 1016, §1; Acts 2003, No. 1026, §1.

§578.11. Labeling of catfish packaging; possession and exchange of certain catfish prohibited; penalties

A. No person shall possess, sell, purchase, trade, barter, or exchange or attempt to sell, purchase, trade, or exchange any catfish or catfish product unless such catfish or catfish product is labeled to indicate that the fish is farm-raised or naturally produced (wild). When catfish fillets are possessed for retail sale, labeling as required by this Subsection shall be easily visible.

B.(1) No person shall possess, sell, purchase, trade, barter, or exchange or attempt to sell, purchase, barter, or exchange any species of fish as catfish or catfish product unless that catfish is within the family of Ictaluridae, Ariidae, or Loricariidae.

(2) Fish within the family Pangasiidae shall not be possessed, sold, purchased, bartered, traded, or exchanged as catfish or a catfish product.

C. Violation of this Section shall be a class four violation.

D. As used in this Section, "farm-raised" means produced using the aquacultural procedure whereby catfish are propagated, maintained, reared, and harvested within artificial reservoirs, tanks, cages, impoundments, or other controlled environments, so as to prevent, at all times, the ingress or egress of animal and plant life from public waters including natural streams or lakes. "Farm-raised" shall not include the production and harvesting of catfish in cages or other enclosures located in natural streams or rivers.

Acts 1991, No. 514, §1, eff. Jan. 1, 1992; Acts 2001, No. 761, §1, eff. Sept. 1, 2001; Acts 2003, No. 1026, §1.

§578.12. Louisiana Seafood Promotion and Marketing Board; Louisiana Oyster Task Force; Shrimp Task Force; duties, responsibilities, and functions

A. Under the supervision of the Louisiana Oyster Task Force, the Louisiana Seafood Promotion and Marketing Board shall be empowered with the following duties, responsibilities, and functions:

- (1) To employ such personnel as necessary.
- (2) To develop markets and marketing strategies for the development of new and expanded markets for Louisiana oysters.
- (3) To represent the interests of the Louisiana oyster industry before federal and state administrative and legislative bodies on issues of importance to the Louisiana oyster industry.
- (4) To contract for legal services to represent the interests of the Louisiana oyster industry in judicial, administrative, and legislative proceedings.
- (5) To administer the funds in the Oyster Development Account of the Seafood Promotion and Marketing Fund.
- (6) To perform any acts deemed necessary and proper to carry out its duties and responsibilities.

B. In addition to the duties, responsibilities, and functions listed in Subsection A of this Section, the Louisiana Seafood Promotion and Marketing Board, under the supervision of the Louisiana Shrimp Task Force, shall also be empowered with the following duties, responsibilities, and functions:

- (1) Develop markets and marketing strategies for the development and expansion of markets for shrimp harvested from Louisiana waters.
- (2) Administer the funds in the Shrimp Marketing and Promotion Account of the Seafood Promotion and Marketing Fund and the "Shrimp Trade Petition Account", which funds shall be used to create new markets for shrimp and promote the sale of shrimp harvested from Louisiana waters.
- (3) To represent the interests of the Louisiana shrimp industry before federal and state administrative and legislative bodies on issues of importance to the Louisiana shrimp industry.
- (4) To contract for legal services to represent the interests of the Louisiana shrimp industry in judicial, administrative, and legislative proceedings.
- (5) To perform any acts deemed necessary and proper to carry out its duties and responsibilities.

Acts 1995, No. 448, §1; Acts 1999, No. 772, §1; Acts 2003, No. 357, §1; Acts 2010, No. 606, §2.

§578.13. Labeling of "crawfish"

A. No product labeled "crawfish" may be sold in Louisiana unless it consists of, or is derived from, the red swamp crawfish (*Procambarus clarkii*), the white river crawfish (*Procambarus zonangulus*), or Louisiana pond-raised crawfish.

B. Any violation of the labeling requirements shall subject the distributor or packager to the penalties provided in R.S. 56:578.10(B).

Acts 2001, No. 200, §1.

§578.14. Imported crawfish or shrimp; notice to patrons; penalties

A. No owner or manager of a restaurant that sells imported crawfish or shrimp shall misrepresent to the public, either verbally, on a menu, or on signs displayed on the premises, that the crawfish or shrimp is domestic.

B. The district attorney of the district in which the restaurant is located shall have jurisdiction over violations committed under this Section. The penalties for violations of this Section are as follows:

(1) Any owner or manager of a restaurant who is guilty of a violation of this Section shall, upon a first offense, be fined fifty dollars.

(2) Any owner or manager of a restaurant who is guilty of a violation of this Section shall, upon a second offense, be fined two hundred fifty dollars.

(3) Any owner or manager of a restaurant who is guilty of a violation of this Section shall, upon a third or subsequent offense, be fined five hundred dollars.

Acts 2008, No. 264, §1.

§578.15. Louisiana Wild Seafood Certification Program

A. The secretary of the Department of Wildlife and Fisheries is authorized to establish a quality certification program for Louisiana wild fish, as defined in R.S. 56:8, and for Louisiana wild seafood products, including wild-caught shrimp, which are taken, harvested, or landed in Louisiana. The program shall be established through the promulgation and adoption of certification standards in accordance with the Administrative Procedure Act. Such standards may include but are not limited to harvest requirements, post-harvest refrigeration requirements, quality standards, handling practices, traceability, branding and branding registrations, recording requirements, compliance standards, and packaging regulations. The secretary may develop and regulate certification protocols, programs, and establish regulatory authority in cooperation with the Louisiana Department of Agriculture and Forestry, Louisiana Department of Health and Hospitals, Louisiana State University, and any other state or federal agency deemed appropriate.

B. All seafood product intended to be marketed as Louisiana Wild Seafood certified must meet all criteria and requirements as set out in the department's rules and regulations. Any product sold or attempted to be sold under the auspices of the Louisiana Wild Seafood Certification Program which is in violation of the rules and regulations shall be immediately removed from the market and the disposition of such product shall be delineated in the rules and regulations adopted to establish the program.

C. Any fisherman or seafood dealer who wishes to participate in the Louisiana Wild Seafood Certification Program shall apply to the department to be issued a participation permit by the department. This permit may be suspended or revoked by the department for violation of the provisions of the program. Any holder of such permit who harvests or markets Louisiana wild fish or wild seafood products in accordance with the requirements of the Louisiana Wild Seafood Certification Program shall be authorized to market said product under the auspices of the Louisiana Wild Seafood Certification Program.

Acts 2010, No. 294, §1.

SUBPART G-2. MARICULTURE INDUSTRY**§579.1. Permitting of mariculture in the coastal zone; policy and purpose; permits; rules and regulations; fees**

A. Recognizing the value to the economy of the state of Louisiana of developing a mariculture industry in the coastal zone, and recognizing that a mariculture industry has the potential of employing thousands of Louisiana citizens, thereby decreasing unemployment and the burden that unemployment places on the state fisc, and recognizing that mariculture is compatible with the state's policy for managing and enhancing the renewable resources of the coastal zone, and recognizing that mariculture is compatible with the social and cultural heritage of the coastal area, and that mariculture will provide economic incentive for landowners to undertake management programs that will prevent erosion and deterioration of the invaluable coastal wetlands, it is the policy and purpose of the legislature to provide every method of encouragement and assistance to the wetland owner of the state of Louisiana, to protect the culture and heritage that is unique to Louisiana, to prevent unemployment of Louisiana citizens, to assure adequate food for Louisiana citizens, and to provide for economic stability for those areas of Louisiana so dependent upon the seafood industry. Without mariculture Louisiana citizens may realize the continuing decline in the quantity and quality of the fisheries resources and related economic consequences of this decline. To that end, the Legislature of Louisiana shall foster and encourage the implementation of maricultural practices within duly authorized and permitted projects within the coastal zone of the state of Louisiana.

B. Notwithstanding any other provision of law to the contrary, including but not limited to R.S. 56:8 (Domesticated fish), the secretary of the Department of Wildlife and Fisheries is authorized to issue permits for maricultural projects within the coastal zone for the development of a mariculture industry inclusive of all phases of the industry. The department shall have the authority to and may exempt permittees from statutory limitations as to the kind, number, or size of fish which may be harvested or taken, or as to the method of harvesting or taking fish, or seasons or other limitations, restrictions, prohibitions, or regulations governing the management and harvesting or taking of fish, including hatchery breeding, spawning, transportation, implantation, propagation, growout, and harvesting of domesticated fish and other aquatic species when produced under permitted rules and regulations. The secretary shall not issue any permit for the mariculture of any harmful species of fish.

C.(1) Permits shall be issued only for areas within the coastal zone on privately owned property and water bottoms, and then only to the landowner or his duly authorized designee. If a mariculture project requires a coastal use permit from the Department of Natural Resources, no mariculture permit shall be issued until the coastal use permit is obtained.

(2) Permits shall be issued for the life of the project if the requirements of this Subpart are maintained throughout the project.

(3) Applications for permits shall be accepted at any time if the applicant meets the requirements of this Subpart.

(4) No permit shall be issued for a project located offshore in state waters unless the applicant demonstrates that the project has either been reviewed by marine biologists from Louisiana State University and Agricultural and Mechanical College, the marine fisheries division of the Department of Wildlife and Fisheries, and the Louisiana Universities Marine Consortium for Research and Education or that such biologists participated in the development of the project. No reviewer shall have legal or commercial ties to any corporation or person applying for the permit, nor shall any reviewer be involved in any research grant or exercise that would directly benefit from the results of the review.

(5) The permit fee for each mariculture permit shall be one thousand dollars.

D. Applications for permits shall include a plan specifying the total acreage necessary and the method for containment of the fisheries, and procedures for planting, protecting, and harvesting of the fish which shall insure the complete separation of domestic stock from wild stock.

E. The secretary shall use the following guidelines for permitting the mariculture projects:

(1) All fisheries utilized in the project shall be purchased from a legal source, and all necessary documentation pertaining to those transactions shall be maintained.

(2) All facilities shall be available for inspection by the department during normal business hours upon notification by the department prior to inspection. However, the enforcement division may inspect at any time without prior notice.

(3) Detailed records shall be maintained and furnished to the department upon request. The records shall include the following items:

- (a) The number of fish or other species bought and sold.
- (b) The rate and type of food utilized.
- (c) The observed or recorded growth.
- (d) The mortality observed.
- (e) The average depth of water, current, salinity, and temperature.

However, information which would disclose knowledge gained through experimentation that enhances the yield of production may be withheld.

F. The Department of Wildlife and Fisheries shall monitor the stocking, growth, and harvest of any fish.

G. All data obtained from the monitoring of projects and all documents related thereto shall be public and the Department of Wildlife and Fisheries shall make an annual report to the committees on natural resources of the House and Senate on the progress and effectiveness of the projects.

H. Nothing contained herein shall be interpreted to require activities by Department of Wildlife and Fisheries personnel which will impede the efficient operation of the enterprise.

I. The secretary shall charge an annual fee of one thousand dollars for each permit issued under the provisions of this Section.

J. If work to implement the provisions of this Section has not begun within two years from the date of issuance of a permit authorized herein, that permit shall automatically terminate two years from the date of issuance.

K. *Repealed by Acts 1995, No. 383, §2, eff. June 16, 1995.*

L. Violation of any of the provisions of this Section constitutes a class three violation.

Acts 1987, No. 305, §1, eff. July 5, 1987; Acts 1988, No. 995, §1; Acts 1988, No. 993, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1995, No. 383, §§1, 2, eff. June 16, 1995; Acts 2008, No. 280, §1.

NOTE: *See Acts 1988, No. 993, §3, and 995, §3.*

NOTE: *See Acts 1990, No. 299, §§1 and 2. Extension of time to operate under certain permits.*

§579.2. Harvest of mariculture fish; authority to harvest during closure of fishing

The closure of fishing pursuant to any authority of this Title of any species of fish shall not prohibit the harvesting and sale of such fish that are raised pursuant to any mariculture permit or license authorized by this Title.

Acts 1988, No. 848, §1.

SUBPART G-3. LOUISIANA RECREATIONAL FISHING DEVELOPMENT BOARD

§§580.1 to 580.6. *Repealed by Acts 2001, No. 1137, §1.*

SUBPART H. FISH HATCHERIES

§581. Expropriation of lands

The secretary shall build, operate, and maintain fish hatcheries in the state. He may expropriate, in the manner, form, and method provided by law in ordinary cases of expropriation, any lands necessary for public use as a hatchery lying adjacent to any property belonging to the department or to the state in the possession of the department.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§582. Distribution of fish

The secretary shall distribute the fish from the state hatcheries to all sections of the state where the waters are found suited to the habits of the various species. Distribution shall be made under rules and regulations provided by the secretary.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§583. Federal fish hatchery

The United States Secretary of the Interior, and the director of the United States Fish and Wildlife Service and his duly authorized agents, may conduct fish hatching and all operations connected therewith in Louisiana in connection with a federal fish hatchery to be located in the state as authorized by the congress of the United States, in any manner and at any time considered by them to be necessary and proper, after consultation with the commission.

Amended by Acts 1974, No. 717, §1.

SUBPART I. BIOLOGIC STATION

§611. Establishment authorized

A biologic station for the investigation of problems affecting the fish and fisheries of Louisiana is created and shall be located on the Gulf coast of this state.

§612. Control of station; rules and regulations; donations; acquisition of property

The department shall control the station and may:

- (1) Adopt all necessary rules and regulations for its government and management.
- (2) Accept donations of money or property for the benefit and use of the station, including funds appropriated by the state, and disburse these for necessary expenses.
- (3) Acquire lands necessary for the extension or improvement of the station.
- (4) Fish unmolested in any of the waters of state with dredging apparatus, seines, nets, trawls, beam trawls (butterfly nets or wingnets), and all other instruments and apparatus for the sole purpose of obtaining the materials needed in the prosecution of the purposes and necessary investigations in the direction of the scientific objects for which this station is established.

The secretary shall, in general, have all power and authority necessary to carry out the purposes and objects of this Subpart, namely, investigating the flora and fauna of the Gulf of Mexico and the waters adjacent thereto.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

§613. Location; cooperation with federal agencies

The secretary shall provide for cooperation with the United States Fish and Wildlife Service, in connection with the investigations of the station, and offer its facilities, under proper regulations, to special investigation and students in the biologic sciences. He shall publish the results of any investigations that may be of value in the development of the biologic resources of the state.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1.

SUBPART J. DEDICATION OF REVENUES

§631. Funds dedicated

In order to enforce properly the conservation laws and rules and regulations of the commission with respect to the operation and development of wildlife management areas, wildlife refuges, public shooting grounds or outdoor recreation areas, all revenue derived from trapping leases or the sale of furs or mineral leases or exploitation in any way of the mineral resources of any such lands under the jurisdiction of the commission are dedicated to the commission, to be used for the protection, maintenance, operation, and development of such areas or for the acquisition of other such areas.

Amended by Acts 1974, No. 717, §1.

SUBPART K. REPTILES AND AMPHIBIANS

§632. Powers and duties

A. The secretary shall have the authority to prohibit the commercial harvest or importation of any species of reptile or amphibian, provided that such a decision is based on accurate biological data or other technical information that indicated such species would interfere with the state's natural ecosystem.

B. The commission shall have the authority to set seasons, establish harvest restrictions, and adopt other rules and regulations that it deems necessary to manage Louisiana's reptile and amphibian resources. The Reptile and Amphibian Task Force shall be consulted before any new rules or regulations are adopted by the commission.

Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 2010, No. 855, §1.

§632.1. Definitions; applicability

For purposes of this Subpart, the following words and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

(1) "Amphibian" means any vertebrate in the class Amphibia, including but not limited to frogs, toads, and salamanders.

(2) "Native reptiles and amphibians" means any species or subspecies of reptile or amphibian indigenous to the state of Louisiana or any alien species or subspecies of reptile or amphibian that has been introduced and established in Louisiana.

(3) "Reptile" means any vertebrate in the class Reptilia, except the alligator, including but not limited to turtles, lizards, and snakes.

Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 1995, No. 604, §1.

§632.2. Limitations of law

The provisions in this Subpart shall not supersede or limit the provisions in R.S. 3:2358.1 et seq., applicable to the regulation of pet turtles; farm raised turtles are excluded regardless of age.

Acts 1992, No. 256, §1, eff. July 1, 1993.

§632.3. Licenses

A. All persons engaged in the collection of native reptiles and amphibians for noncommercial purposes must possess one of the following licenses:

- (1) A resident must possess a basic recreational fishing license.
- (2) A nonresident must possess a basic nonresident fishing license.

B. A violation of this Section is a class one violation.

Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 1995, No. 604, §1.

§632.4. Reptile and amphibian collector's license; scientific collector's permit

A. All persons engaged in the sale of native reptiles and amphibians collected in Louisiana must possess one of the following licenses:

- (1) A resident must possess a resident collector's license at a cost of twenty-five dollars.
- (2) A nonresident must possess a nonresident collector's license at a cost of two hundred dollars.
- (3) Residents under sixteen years of age shall be required to possess a collector's license at a cost of ten dollars.

B. Persons engaged in legitimate herpetological research may request from the secretary a scientific collector's permit. No fee shall be charged for such a permit. No specimens obtained under this permit may be sold.

C. A violation of this Section is a class three violation.

Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 1995, No. 604, §1.

§632.5. Reptile and amphibian wholesale/retail dealer's license; nonresident three-day license

A. Any person buying, acquiring, or handling, from any person, by any means whatsoever, or for propagation for sale, any live species of native reptile or amphibian, except farm raised aquatic chelonians, or any live species of poisonous snake or constrictor, as delineated in R.S. 56:632.5.1, in Louisiana, from within or outside the state, for sale, or resale, whether on a commission basis or otherwise, is a wholesale/retail reptile amphibian dealer and shall possess a reptile and amphibian wholesale/retail dealer's license at a cost of one hundred five dollars for a resident and four hundred five dollars for a nonresident.

B. All persons selling native, captive-reared reptiles or amphibians, regardless of the number of generations removed from the wild, shall be required to possess a reptile and amphibian wholesale/retail dealer's license.

C. Individual employees of reptile and amphibian wholesale/retail dealers are not required to obtain a reptile and amphibian wholesale/retail dealer's license when transacting the business of the reptile and amphibian wholesale/retail dealer on the premises of the place of business, but any

employee or person buying, acquiring, handling, or selling reptiles or amphibians as a wholesale/retail dealer or for a wholesale/retail dealer at any place other than on the premises of the place of business, must obtain a reptile and amphibian wholesale/retail dealer's license.

D. The provisions of this Section shall not apply to a person transporting reptiles and amphibians under the privilege of a Louisiana reptile and amphibian wholesale/retail dealer's license when that person buys reptiles and amphibians for or on behalf of the reptile and amphibian wholesale/retail dealer to whom such transport license was issued and only transports such reptiles and amphibians to that wholesale/retail dealer.

E. In lieu of the regular nonresident wholesale/retail dealer's license, nonresidents may purchase a three-day reptile and amphibian wholesale/retail dealer's license for a fee of seventy-five dollars. The three-day license shall be valid only for three consecutive days.

F. A violation of this Section is a class three violation.

Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 1995, No. 604, §1; Acts 2007, No. 81, §1; Acts 2010, No. 855, §1.

§632.5.1. Constrictors and poisonous snakes

A. The importation or private possession of constrictor snakes in excess of eight feet long, including but not limited to the following species: *Apodora papuana* (Papuan python), *Liasis olivacea*, (Olive python), *Morelia spilota* (Carpet or Diamond python), *Morelia kinghorni* (Scrub python), *Morelia amethystina* (Amethystine python), *Python natalensis* (Southern African python), *Python sebae* (African Rock python), *Python molurus* (Indian or Burmese python), *Python reticulatus* (Reticulate python), any species of the genus *Boa* (*Boa constrictors*), and any species of the genus *Eunectes* (Anacondas), obtained in any manner, shall be only by permit issued by the Department of Wildlife and Fisheries except for animals kept by animal sanctuaries, zoos, aquariums, wildlife research centers, scientific organizations, and medical research facilities as defined in the Animal Welfare Act as found in the United States Code Title 7, Chapter 54, 2132(e).

B. The importation or private possession of venomous snakes, including any species under current taxonomic standing recognized to belong to the Families Viperidae (Pitvipers and Vipers), Elapidae (Cobras and Mambas), Hydrophiidae (Sea Snakes), Atractaspididae (Mole Vipers), as well as the genera *Dispholidus*, *Thelotornis*, and *Rhabdophis* of the Family Colubridae obtained in any manner, shall be only by permit issued by the Department of Wildlife and Fisheries except for animals kept by animal sanctuaries, zoos, aquariums, wildlife research centers, scientific organizations, and medical research facilities as defined in the Animal Welfare Act as found in the United States Code Title 7, Chapter 54, 2132(e).

C. The Louisiana Wildlife and Fisheries Commission is authorized to adopt rules and regulations for the harvest, possession, sale, handling, housing, or importation for species of constrictors and poisonous snakes.

D. Violation of the provisions of this Section or rules adopted pursuant thereto shall constitute a class three violation as provided for in R.S. 56:33.

Acts 2010, No. 855, §1.

§632.6. Methods of collection

A. The use of gasoline places, nests, or dens is prohibited.

B. The destruction of natural habitats is prohibited. All logs, rocks, and other natural objects may be turned over or moved, but they must be replaced in their original position upon completion of the collector's inspection.

C. Any trap or other device designed to capture reptiles or amphibians, which remains in the field unattended, must bear a tag with the name, address, and license number of the collector. All such devices must be checked every twenty-four hours or they must be rendered unworkable during periods of nonuse.

D. A violation of this Section, chemicals, or other volatile substances to flush reptiles and amphibians from natural hiding is a class one violation.

Acts 1992, No. 256, §1, eff. July 1, 1993.

§632.7. License fee dedication

All funds derived from the sale of reptile and amphibian collector's licenses and reptile and amphibian wholesale/retail dealer's licenses shall be placed in the Conservation Fund in accordance with R.S. 56:10.

Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 2010, No. 855, §1.

§632.8. The Reptile and Amphibian Task Force

There is hereby created within the Department of Wildlife and Fisheries, the Reptile and Amphibian Task Force, hereinafter referred to as "the task force". The task force shall be an advisory task force and shall perform those duties required by the secretary and by this Subpart. The task force shall be composed of the following voting members:

- (1) The secretary of the Department of Wildlife and Fisheries or his designee.
- (2) The assistant secretary of the office of fisheries of the Department of Wildlife and Fisheries or his designee.
- (3) One member appointed by the Louisiana Wildlife Federation.
- (4) One member who is involved in the Louisiana wholesale/retail pet trade appointed by the secretary.
- (5) Five members who have been reptile, amphibian, or animal educational/scientific/pet dealers with a minimum of three years experience appointed by the secretary.
- (6) One member appointed by the Louisiana Science Teachers Association.
- (7) The assistant secretary of the office of wildlife of the Department of Wildlife and Fisheries or his designee.
- (8) The commissioner of the Department of Agriculture and Forestry or his designee.
- (9) One wildlife specialist from the Louisiana Cooperative Extension Service.
- (10) Three herpetologists representing academic interests appointed by the secretary from an institution of higher education in the state.
- (11) One board-certified pathologist or toxicologist appointed by the secretary.
- (12) One member from the Audubon Institute or his designee.

Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 1995, No. 604, §1; Acts 1997, No. 1239, §1.

§632.9. Transporter; license required; license fee; prohibitions; number of licenses; transferability; records; common carriers

A. Operators and drivers of any form of commercial transport, except common carriers, who are in the act of loading, unloading, or transporting reptiles or amphibians shall have in their possession at least one of the following licenses:

- (1) A reptile and amphibian collector's license.

(2) A reptile and amphibian wholesale/retail dealer's license.

(3) A reptile and amphibian transport license.

B.(1) The cost of a reptile and amphibian transport license is thirty dollars per vehicle for a resident and one hundred twenty dollars per vehicle for a nonresident and can be purchased only by a person holding a valid Louisiana reptile and amphibian collector's license or valid Louisiana reptile and amphibian wholesale/retail dealer's license.

(2) The reptile and amphibian transport license shall be in the name of and bear the license number of the purchaser and shall state "Reptile and Amphibian Transport License".

(3) The reptile and amphibian transport license may be applied for in the same manner and is valid for the same one-year period as that of the purchaser's license.

C.(1) A person transporting reptiles or amphibians under privilege of a transport license is prohibited from buying or selling, by any means whatsoever, any species of reptile or amphibian.

(2) The provisions of this Section shall not apply to a person transporting reptiles or amphibians under the privilege of a Louisiana reptile and amphibian transport license purchased in connection with a Louisiana reptile and amphibian wholesale/retail dealer's license when that person buys reptiles or amphibians for or on behalf of the reptile and amphibian wholesale/retail dealer to whom such transport license was issued and only transports such reptiles or amphibians to that reptile and amphibian wholesale/retail dealer.

D. A validly licensed reptile and amphibian collector or reptile and amphibian wholesale/retail dealer may purchase any number of reptile and amphibian transport licenses.

E. Transport licenses are freely transferable between vehicles, but the reptile and amphibian licensee remains responsible for all activities taking place under authority of that license.

F. Common carriers are exempted from the license provisions of this Section, but are required to comply with other provisions of this Section.

G. Shipments containing reptiles or amphibians shall be plainly marked and the tags or certificates shall show the names of the consignor and the consignee, with an itemized statement of each kind contained therein. Bills of lading issued by a common carrier for such shipments shall state the number of packages that contain reptiles or amphibians. Shipments of reptiles or amphibians of any species ordinarily used for human consumption made to points outside the state, other than by common carrier, shall be registered by the owner or his agent at some port of exit established by the commission and shall be inspected.

H. Information, data, and statistics obtained by the department pursuant to this Section shall be used for the equitable and efficient administration and enforcement of the laws pertaining to the reptile or amphibian resources of the state and for conservation and management purposes.

I. The department shall draft regulations prescribing procedures to preserve the confidentiality of all reptile or amphibian dependent data, information or statistics submitted or collected pursuant to the provisions of this Subpart, for approval by the Wildlife and Fisheries Commission and promulgation in accordance with the Administrative Procedure Act.

J. Violation of any provision of this Section constitutes a class two violation.

Acts 1995, No. 604, §1.

§633. Reptile and Amphibian Research Fund

A. In order to insure that the necessary and proper funds are available to qualified and legitimate herpetologists, there is hereby established the Reptile and Amphibian Research Fund in the state treasury.

B. Funds received by the Reptile and Amphibian Research Fund in the form of fees shall be deposited immediately upon receipt into the state treasury.

C. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required by Subsection B hereof shall be credited to a special fund hereby created in the state treasury to be known as the "Reptile and Amphibian Research Fund". The monies in this fund shall be used solely as provided by Subsection D hereof and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in such fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to this fund, again, following compliance with the requirement of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund.

D. The monies in the Reptile and Amphibian Research Fund shall be used solely for administration of this Subpart and legitimate herpetological research. Such grants shall be made in accordance with the rules and regulations adopted by the commission pursuant to the Administrative Procedure Act.

E. The Reptile and Amphibian Research Fund shall be funded by the assessment of a one percent fee on the gross out-of-state sales of native reptiles and amphibians. The one percent fee on the gross out-of-state sales of native reptiles or amphibians shall be payable to the department on or before the tenth day of the month following the date of sale and shall be due each quarter beginning July 1, 1995. Upon failure to pay the assessment when due, a penalty of ten percent of the assessment due per quarter shall be levied and collected by the department in addition to the one percent assessment due. Any quarterly report submitted with false information or nonpayment of the one percent assessment for two consecutive quarters will be cause for license revocation or suspension.

F. The expenditure of funds from the Reptile and Amphibian Research Fund shall be made at the discretion of the department after consultation with the Reptile and Amphibian Task Force.

Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 1995, No. 604, §1.

§634. Frogs; season; jacklights; restrictions on taking

A. Frogs may be taken with the aid of a jacklight or any other visible light and by means of mechanical devices known as frog catchers. A person is also permitted to take frogs with devices that puncture the skin such as gigs and spears. No person shall carry or have in his possession any shotgun, rifle, or firearm while taking or hunting frogs during the nighttime.

B. Bullfrogs (*Rana catesbeiana*) and lagoon frogs or grunners (*Rana grylio*) may be taken year round except during the months of April and May.

C. No person shall take or possess large bullfrogs (*Rana catesbeiana*) that are less than five inches in length, nor take or possess lagoon frogs or grunners (*Rana grylio*) that are less than three inches in length. The length is measured from the tip of the muzzle to the posterior end of the body between the hind legs. However, if a special permit is obtained from the department prior to the taking, such frogs under the legal size may be taken from privately owned ponds, impoundments, or waters by the owner thereof or his authorized representative and may be sold to other persons for purposes of stocking private waters, ponds, or impoundments.

D. A violation of this Section shall constitute a class three violation, R.S. 56:33.

Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 1995, No. 604, §1.

§635. Diamondback terrapins; trapping; turtle eggs

A. No person shall take diamondback terrapins by means of traps of any kind, and no person shall take the eggs of any species of turtle, except the red ear (*Trachemys Scripta*), wherever found.

B. No person shall ship diamondback terrapins out of the state between the fifteenth of April and the fifteenth of June. All diamondback terrapins caught by any means whatsoever during that period shall be immediately returned to the water alive.

Acts 1992, No. 256, §1, eff. July 1, 1993; Acts 1995, No. 604, §1.

§636. License requirements; possession; nontransferability

A. Persons taking reptiles or amphibians, whether recreationally or commercially, and persons involved in the reptile and amphibian industry, including wholesale/retail dealers and transporters shall be licensed in accordance with this Subpart.

B. Persons engaged in an activity for which a license is required shall have in their immediate possession a valid, original license and shall show such license upon demand to a duly authorized agent of the department.

C. Except as provided in this Subpart, licenses cannot be assigned or transferred or used by any other person. An officer authorized to enforce the provisions of this Subpart shall take possession of any license found in the possession of any person other than the one to whom issued and shall deliver it to the department for cancellation. The license is thereupon void.

D. The following applies to all licenses required by this Subpart:

(1) No license may be issued until all information requested is supplied to the issuing agent.

(2) Forms of acceptable payment for licenses shall be determined by the department.

(3) No resident license may be issued prior to proof of Louisiana residency by the applicant.

(4) The issuance of a license is conditional upon validation of all information on the application. If the department finds any material misstatement of fact regarding the residency of the applicant, the license is void and shall be immediately surrendered to an agent of the department.

E. A violation of this Section is a class two violation.

Acts 1995, No. 604, §1.

§637. Records

A. Wholesale/retail dealers shall keep in the English language records of:

(1) The quantity and species of reptiles and amphibians acquired, the date the reptiles or amphibians were acquired, and the name and license number of the collector, the wholesale/retail dealer, or the out-of-state seller from which the reptiles or amphibians were acquired.

(2) The quantity and species of reptiles or amphibians sold, the date sold, and the name and license number of the person to whom the reptiles or amphibians were sold. When the reptiles or amphibians are sold to the consumer, the records shall indicate the quantity, species, and date and shall state that the reptiles or amphibians were sold to the consumer.

B. Such records shall be maintained for three years and shall be open to inspection by the department.

C. All information, data, and statistics obtained by the department pursuant to this Section shall be used for the equitable and efficient administration and enforcement of the laws pertaining to the reptile and amphibian resources of the state and for conservation and management purposes.

D. The names, addresses, and license numbers of the collectors shall remain confidential, provided such information shall be available and used by the department for administrative and enforcement purposes.

E. Any wholesale/retail dealer who purchases reptiles or amphibians shall give one part of a three-part receipt form to the collector at the time of the sale, shall retain one part, and shall submit one part to the secretary of the department.

Acts 1995, No. 604, §1.

§637.1. Definitions; applicability

A. For purposes of this Subpart, the following words and phrases shall have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

(1) "Box turtle" means any species of the genus *Terrapene*, that is indigenous to the state of Louisiana. This includes any hybrids of these species. All box turtles in Louisiana shall be deemed to be native to Louisiana.

(2) "Farm-raised box turtle" means any box turtle that was hatched and raised on a turtle farm.

(3) "Turtle farm" means any pet turtle farm that is located and operating inside the state of Louisiana that is also licensed by the Department of Agriculture and Forestry to do business in this state.

(4) "Wild box turtle" means any box turtle not hatched and raised on a turtle farm. A box turtle shall be considered as wild unless a valid bill of sale, clearly demonstrating it to be a farm-raised box turtle, is produced.

B. Administration; enforcement; penalties

(1) Commercial use of box turtles:

(a) With the exception of farm-raised box turtles, no box turtle, no box turtle egg, or any part of a box turtle shall be sold, traded, or otherwise entered into commerce.

(b) There shall be no taking of wild box turtles for commercial purposes.

(c) Except as provided in Paragraph (2) of this Subsection, any violation of this Section shall be a class four violation, R.S. 56:34.

(2) Recreational use of wild box turtles. No more than two wild box turtles per day may be taken for recreational purposes, and no person shall have in his or her possession more than four box turtles at any time. A violation of this Paragraph shall constitute a class one violation, R.S. 56:31.

Acts 1999, No. 81, §1.

**SUBPART L. SALTWATER FISHERY CONSERVATION
AND MANAGEMENT**

§638.1. Saltwater fishery conservation and management; legislative intent

Recognizing that there are ever increasing numbers of both sport and commercial fishermen utilizing the waters of the state for recreational and commercial pursuits resulting in conflicts over limited space and competition for the same saltwater fish, and acknowledging that both the sport and commercial fishing industries are vital to the economy of the coastal region and the entire state, the saltwater fishery standards for conservation and management of all species of saltwater finfish are hereby declared to be fair and in the best interest of the state.

Acts 1991, No. 708, §1.

§638.2. Findings

The state of Louisiana recognizes that:

(1) Its saltwater finfish resources are of great value and are renewable. These saltwater finfish resources make many contributions to the state including, but not limited to, the food supply, economy, and health of the state and recreational opportunities. With proper regulations of the harvest by fishermen, coupled with protection and enhancement of their saltwater and estuarine habitat, Louisiana's saltwater finfish resources should be available to provide these benefits to the state indefinitely.

(2) As a consequence of increased fishing pressure and/or other factors and because of the inadequacy of fishery conservation and management practices, certain stocks of fish may have been or will become overfished.

(3) The future productivity of saltwater finfish resources may be seriously jeopardized as a consequence of the continued loss of Louisiana coastal wetlands, or because of human actions affecting the functionality and value of the coastal wetlands as saltwater finfish estuary and habitat.

(4) Both commercial and recreational fishing constitute a major source of employment and contribute significantly to the economy of the state. Many coastal areas are dependent upon such fishing and related activities and their economies have been damaged by pollution, habitat degradation, and/or overfishing.

(5) Saltwater finfish resources are finite but renewable. If timely placed under sound management, the fisheries can be conserved and maintained so as to provide optimum yields on a continuing basis.

(6) A state program for the wise conservation and management of the saltwater finfish resources of Louisiana is necessary to maintain plentiful fish populations to prevent overfishing, to rebuild reduced stocks, to insure conservation, and to realize their full potential.

(7) The safe development or improvement of fisheries that are not fully or properly utilized by the Louisiana commercial and recreational fishermen and fishing industries, should help to assure that Louisiana benefits from the employment, food supply, recreation, and social and economic benefit that could be maintained or generated thereby, if pursued in such a fashion that is socially, scientifically, economically, anthropologically, and biologically sound for the state, the species, and any related species.

(8) A strong state program is necessary to advocate the importance of the functionality and value of Louisiana's coastal wetlands as estuary and habitat for saltwater fisheries resources, the social and economic value of these resources to the state and the nation, and the need to actively seek to avoid any net loss of this functionality and value.

Acts 1991, No. 708, §1.

§638.3. Purposes

In order to implement the objectives and purposes of this Subpart, the commission shall:

(1) Take timely action to conserve and manage saltwater finfish species.

(2) Promote the use of sound conservation and management principles in the regulation of commercial and recreational fishing.

(3) Actively advocate, on behalf of the saltwater finfish constituency, improvement of or no net loss of the functionality and value of the saltwater fisheries' habitat and estuary.

(4) Provide for the preparation and implementation of fishery management plans, in accordance with this policy that will prevent overfishing and will achieve and maintain plentiful fish populations to ensure, on a continuing basis, the optimum yield from each fishery.

(5) Recognize that saltwater finfish populations are subject to both natural and man-induced increases and decreases, and that changes in harvest levels may need to be recommended. If changes are required, these increases and decreases should be distributed among all fishermen in a fair and equitable manner that considers among other factors historical usage, ensuring that no historical user groups will be arbitrarily excluded.

Acts 1991, No. 708, §1.

§638.4. Policy

The policy of the state of Louisiana is hereby declared to be the following:

Stewardship of the state's saltwater finfish resources shall have as its utmost concern the continued health and abundance of the resource and its environs, shall provide for optimum sustained benefits to the state, shall be responsive to the needs of interested and affected citizens, shall ensure the proper and fair utilization of these resources for the citizens of the state in present and future generations, shall preserve the state's exclusive right to manage the fisheries within or beyond its jurisdiction, and shall be based on the best scientific information available. In addition, such stewardship of the state's saltwater finfish resources shall draw upon federal, state, and academic capabilities and promote efficiency in carrying out research, administration, management, and enforcement.

Acts 1991, No. 708, §1.

§638.5. Saltwater fishery standards

The commission shall adopt such rules and regulations, consistent with the authority granted by this Chapter, and in accordance with the Administrative Procedure Act, for the harvesting, conservation, and management of all species of saltwater finfish, in accordance with the following standards:

(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield while maintaining healthy, plentiful stocks. In fact, every effort will be made at all times to prevent a harvest from exceeding the safe upper limit of harvests which can be taken consistently year after year without diminishing the stocks so that the stock is truly inexhaustible and perpetually renewable.

(2) Conservation and management measures shall be based upon the best scientific, economic, biological, anthropological, and sociological information available.

(3) To the extent practicable, an individual stock or unit of fish shall be managed as a unit throughout its range within the state's jurisdictional authority and interrelated stocks of fish and other saltwater resources shall be managed in close coordination.

(4) If it becomes necessary to allocate or assign fishing privileges among various fishermen, such allocations to the extent practicable shall be:

- (a) Fair and equitable to all such fishermen.
- (b) Reasonably calculated to promote conservation.

(c) Carried out in such a manner that no particular individual, corporation, or other legal entity acquires an excessive share of such privileges.

(d) In the best interest of the citizens of Louisiana.

(5) Conservation and management measures shall, where practicable, promote efficiency in the conservation and management of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(6) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(7) Conservation and management measures may take into account and allow for variations among, and contingencies in, fisheries resources and catches.

Acts 1991, No. 708, §1.

SUBPART M. ARTIFICIAL REEFS

§639.1. Title

This Subpart shall be known and may be cited as the "Louisiana Fishing Enhancement Act".

Acts 1986, No. 100, §1, eff. June 23, 1986.

§639.2. Purposes

The purpose of this Subpart is to promote and facilitate effective establishment and maintenance of artificial reefs in the offshore waters of Louisiana, as provided in this Subpart and in compliance with the National Fishing Enhancement Act. It is the further purpose of this Subpart to provide for the jurisdiction and cooperation of various state agencies in the implementation of any plan or program developed pursuant to this Subpart.

Acts 1986, No. 100, §1,

§639.3. Definitions

As used in this Subpart, the following terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:

(1) "Artificial reef" means a structure or system of structures which is constructed, placed, or permitted in waters covered under this Subpart for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

(2) "CCEER" means Center for Coastal, Energy, and Environmental Resources.

(3) "Department" means the Louisiana Department of Wildlife and Fisheries.

(4) *Repealed by Acts 1993, No. 271, §2.*

(5) "Initiative" means the Artificial Reef Initiative at Louisiana State University, which is developing a Louisiana Artificial Reef Development Plan.

(6) "National Fishing Enhancement Act" means the federal artificial reef development legislation, PL 98-623, Title II.

(7) "Reef materials" means any materials allowed under the National Artificial Reef Plan, adopted pursuant to the National Fishing Enhancement Act for construction of artificial reefs.

(8) "Secretary" means the secretary of the Louisiana Department of Wildlife and Fisheries.

(9) "Waters covered under this Subpart" means the navigable waters of Louisiana and waters of the federal exclusive economic zone adjacent to Louisiana waters.

(10) *Repealed by Acts 1993, No. 271, §2.*

(11) "Sea Grant" means the Louisiana Sea Grant College Program.

Acts 1986, No. 100, §1, eff. June 23, 1986; Acts 1993, No. 271, §§1, 2, eff. June 23, 1986.

§639.4. Establishment of standards

Artificial reefs in waters covered under this Subpart shall be sited, constructed, and subsequently maintained, monitored, and managed based upon the best scientific information available, and in a manner which shall:

- (1) Enhance and conserve fishery resources to the maximum extent practicable.
- (2) Facilitate access and utilization by Louisiana recreational and commercial user groups.
- (3) Minimize conflicts among competing uses of waters covered under this Subpart and the resources in such waters.
- (4) Minimize environmental risks and risks to personal and public health and property.
- (5) Be consistent with generally accepted principles of international law and national fishing law, and not create any unreasonable obstructions to navigation.

Acts 1986, No. 100, §1, eff. June 23, 1986.

§639.5. Artificial Reef Development Program; authorities and responsibilities of cooperating agencies

A. There is hereby created the Louisiana Artificial Reef Development Program, hereinafter called the "program", to promote, develop, maintain, monitor, and enhance the artificial reef potential in the waters covered under this Subpart. The department, CCEER, and Sea Grant shall be primary participants in this program and shall operate out of the Artificial Reef Development Fund under the direction of the department.

B.(1) The department shall administer and enforce the program as provided in this Subpart and in accordance with the National Fishing Enhancement Act. The department shall:

- (a) Plan and review permit applications with advice from CCEER.
- (b) Coordinate with relevant state and federal agencies.
- (c) Hold joint public hearings on proposed reefs.
- (d) Oversee maintenance and placement requirements of the reefs.
- (e) Develop additional technical information needed to carry out the program.

(2) The department shall also serve as liaison with the United States Department of the Interior regarding interaction of the program with federal outercontinental shelf leasing and production activities.

C. CCEER shall provide technical support to the department for program development. CCEER shall additionally:

- (1) Prepare, update, and provide the department with technical, biological, and operational criteria for site selection and development.
- (2) Assist the department in preparing permit applications for artificial reefs.
- (3) Assist in biological monitoring.
- (4) Evaluate and recommend reef sites.
- (5) Evaluate reef potential and design.

(6) Update exclusion mapping.

(7) Promote public awareness of the program.

(8) Provide geotechnical support for reef siting by determining bottom suitability and identifying geologic hazards, evaluating the potential for future oil, gas, and other mineral production in reef sites, and by analyzing the potential for using artificial reefs to supplement the state's coastal protection efforts.

D. *Repealed by Acts 1993, No. 271, §2.*

E. The Louisiana Sea Grant College Program shall coordinate fisheries research projects that might be proposed by Louisiana universities to support the program.

Acts 1986, No. 100, §1, eff. June 23, 1986; Acts 1993, No. 271, §§1, 2.

§639.6. Louisiana Artificial Reef Development Council

A. To oversee the program, there is hereby created the Louisiana Artificial Reef Development Council, hereinafter referred to as the "council", which shall be within the Louisiana Department of Wildlife and Fisheries. The council will be composed of the secretary of the Department of Wildlife and Fisheries, the executive director of CCEER, and the executive director of Sea Grant, or their designees. The council shall select a chairman.

B. The council is empowered to oversee development and implementation of the Louisiana Artificial Reef Development Plan. The council is charged with providing guidance to the department on policy and procedural matters concerning the program and shall make recommendations to the department regarding the allocation of funds to various program components.

Acts 1986, No. 100, §1, eff. June 23, 1986; Acts 1993, No. 271, §1.

§639.7. Preparation of the Louisiana Artificial Reef Development Plan

A. The Louisiana Artificial Reef Initiative is directed to complete its work on the Louisiana Artificial Reef Development Plan, hereinafter called the "plan", within one year of the effective date of this Subpart.

B. The initiative shall present the plan to the council for approval. Upon unanimous approval by the council, and after review by the department, the plan shall be presented by October 1, 1987, to the House and Senate Natural Resources Committees for their approval.

C. All artificial reefs developed in state waters shall be consistent with the approved plan. State agency comments and recommendations on artificial reefs in federal waters shall also be consistent with the approved plan.

D. The plan shall include:

(1) Operational guidelines for the program, including specific participant roles and projected funding requirements for program elements.

(2) Geographic, hydrographic, geological, biological, ecological, social, economic, and other criteria for permitting and siting artificial reefs.

(3) Design, material, and other criteria for establishing, constructing, and maintaining artificial reefs.

(4) Mechanisms and methodologies for monitoring artificial reefs in compliance with the requirements of permits issued under Section 205 of the National Fishing Act.

(5) Mechanisms and methodologies for managing the use of artificial reefs.

(6) An exclusionary map which depicts priority areas for artificial reef development consistent with this Subpart and the National Fishing Enhancement Act.

(7) Provisions for updating the plan based on findings of the Artificial Reef Development Program.

(8) Provisions for managing the Reef Fund in a manner which will assure successful program implementation.

Acts 1986, No. 100, §1, eff. June 23, 1986.

§639.8. Department of Wildlife and Fisheries; Artificial Reef Development Fund

A. The secretary is authorized to accept and receive grants, donations of monies or materials, and other forms of assistance from private and public sources which are provided to the state for the purpose of siting, designing, constructing, monitoring, and otherwise managing an artificial reef system.

B. Any funds received by the department pursuant to the provisions and purposes of this Subpart shall be deposited immediately upon receipt into the state treasury.

C. There is hereby established a fund in the state treasury to be known as the Artificial Reef Development Fund, hereinafter referred to as the "Reef Fund" or "Fund", into which the state treasurer shall each fiscal year, and beginning with the 1986-87 Fiscal Year, deposit the funds received as provided in R.S. 56:639.8(A) and (B), after those revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer, prior to placing such funds in the state general fund, shall pay into the Reef Fund an amount equal to the funds deposited by the department into the treasury as provided in Subsection B. The monies in the Reef Fund shall be used solely as provided by Subsection E herein and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in the Reef Fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund, again, following compliance with the requirement of Article VII, Section 9(B) of the Louisiana Constitution, relative to the Bond Security and Redemption Fund.

D. The council shall review and comment on proposed expenditures from the fund at the time of budget preparation by the department. The department shall maintain records of the sources of money received and the purpose therefor, as well as the person or persons to whom money is paid and the purpose therefor. Vouchers or receipts shall be kept for all money paid out. The department shall employ such personnel as are necessary to meet the department's responsibilities under the program. The department shall allocate from the fund an amount sufficient to pay the salaries of personnel assigned to or responsible for the conduct of the program and shall allocate such amount as necessary for related operating expenses. Money appropriated or otherwise made available to the participants in the program for authorized purposes shall be withdrawn from the treasury on warrant of the secretary or his designee.

E.(1) Monies may be withdrawn directly from the Reef Fund for the operation of the program as described in R.S. 56:639.5, including evaluation of the program and administrative and field support for the permitting, establishing, monitoring, and maintenance of artificial reefs established pursuant to this Subpart until such time that the council determines that the annual interest earnings from the fund are sufficient to run the program.

(2) In addition to the expenditures authorized in Paragraph (1) of this Subsection, an amount not to exceed ten percent of the funds deposited to the fund each year and ten percent of the interest income to the fund may be used by the department to provide funding in association with the wild seafood certification program, particularly in support of wild-caught shrimp, established by the department. Such funding may be used for a subsidy granted to seafood harvesters or processors to assist in their efforts to comply with the certification program requirements and may be used for administration of the program.

F. The secretary shall insure that the Reef Fund contains sufficient reserves to operate the program in a manner consistent with the state plan.

G. In future years, if interest income exceeds operational costs for the artificial reef program, marine fisheries research and habitat enhancement projects may be funded through the department with advice from the council.

Acts 1986, No. 100, §1, eff. June 23, 1986; Acts 1993, No. 271, §1; Acts 2003, No. 1015, §1; Acts 2010, No. 315, §1.

§639.9. Permitting for the construction and management of artificial reefs

A. The state of Louisiana is empowered to serve as permittee for artificial reefs in waters covered under this Subpart, provided such reefs are consistent with and established within the guidelines of this Subpart and the National Fishing Enhancement Act. The secretary is hereby empowered to administer and enforce the program for the state of Louisiana.

B. In acquiring necessary federal permits for artificial reefs, the secretary or his designee shall:

(1) Consult with and consider the views of appropriate federal agencies, state, and local governments, and other interested parties.

(2) Ensure that the provisions for siting, constructing, monitoring, maintaining, and managing any artificial reef developed pursuant to this Subpart be consistent with the criteria and standards established under this Subpart and the National Fishing Enhancement Act.

(3) Ensure that title to any artificial reef component or construction material is unambiguous.

(4) Consider the National Artificial Reef Plan developed under Section 204 of the National Fishing Enhancement Act, and notify the secretary of the United States Department of Commerce of any need to deviate from that plan. The secretary of the Department of Wildlife and Fisheries, in consultation with the other members of the council, shall also review and comment on other artificial reef permit applications to insure that artificial reef permits sought by groups other than Louisiana are consistent with the state plan developed under this Subpart and the National Fishing Enhancement Act.

Acts 1986, No. 100, §1, eff. June 23, 1986.

§639.10. Liability

A. The department, the state of Louisiana and its agencies, and any insurer of these groups shall not be liable for damages caused by activities required to be undertaken under the terms and conditions of state and federal permits acquired for reef development.

B. Any person or company who has transferred title of artificial reef construction materials to the state of Louisiana shall not be liable for damages arising from the use of such materials in an artificial reef, if such materials meet applicable requirements of the National Artificial Reef Plan published under Section 204 of the National Fishing Enhancement Act, and United States Department of Interior regulations.

Acts 1986, No. 100, §1, eff. June 23, 1986.

SUBPART N. RIGHT TO FISH

§640.1. "Right to Fish" Law

This Subpart shall be known as and may be referred to as the Louisiana Right to Fish Law.

Acts 1986, No. 988, §1.

§640.2. Definitions

The terms used herein shall have the following meanings ascribed to them, unless the context clearly indicates otherwise:

(1) "Fisheries operation" means any type of operation involving the harvesting, processing, storing, canning, or landing of fish, any operation providing fishery support services, or any piece of equipment used therein, including but not limited to fishing vessels, fishing gear and equipment, processing plants, canning plants, docks, piers, loading areas, landing areas, and ice houses.

(2) "Generally accepted fisheries practices" means any practices conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar fisheries operations in similar communities or locales and under similar circumstances.

Acts 1986, No. 988, §1.

§640.3. Right to fish; legislation; scientific data

A. The legislature recognizes that under the public trust doctrine the marine fishery resources, among other natural resources, are managed by the state in trust for the benefit of all its citizens.

B. The legislature also recognizes that all citizens of the state have a right to fish in and otherwise enjoy marine waters as long as they are in compliance with current licensing requirements. Furthermore, conservation and management decisions shall be fair and equitable to all the people of the state and implemented in such a manner that no individual, corporation, or other entity acquires an excessive share of such rights and privileges. The right to fish does not convey any property right or ownership in the fishery resource, but rather recognizes continued public access to fishing opportunities in marine waters.

C. The legislature further recognizes that the state's marine fishery resources require proper management in order to be sustained biologically and to continually produce a maximum yield of social and economic benefits. To this end, restrictions on legal fishing methods to harvest finfish, shrimp, oysters, crabs, and other marine fish species may become necessary.

D. The department shall recommend the elimination or restriction of any fishing gear currently in use or which may be used in recreational or commercial fisheries in implementing its management responsibilities or in response to any emergency situation. While elimination or restriction may have uneven impacts on different groups of fishermen, the proposed measures should be applicable to all people of the state. In addition to acquiring the best available biological data, the department shall use all practicable means to collect all relevant social and economic data in support of such allocation decisionmaking efforts.

Acts 1986, No. 988, §1; Acts 1995, No. 1316, §2.

PART VIII. LICENSING PROVISIONS APPLICABLE TO BOTH FISH AND GAME

§641. Hunting, fishing licenses; Wild Louisiana Stamp; multi-year issuance; fees

A. The Department of Wildlife and Fisheries, through its secretary, may, in addition to the issuance of annual individual hunting and fishing licenses and in order to facilitate the distribution of sport hunting and fishing licenses as provided in this Chapter, provide for the issuance of hunting or fishing licenses, or the Wild Louisiana Stamp, on a three year basis, exclusive of any other special licenses otherwise authorized by law. The license may be issued on an individual license basis or any license combination presently allowed by law. The fee for such multi-year hunting or fishing licenses, or the Wild Louisiana Stamp, issued shall be the same as the sum of the individual hunting or fishing license, or the Wild Louisiana Stamp, or the sum of any combination hunting or fishing license as now or hereafter provided by law. The department shall provide for computerized mail renewal of all licenses or stamps issued under the provisions of this Section. The secretary shall promulgate rules and regulations to effectuate the provisions of this Section.

B. The multiple year license fee collected under the provisions of this Section shall, after receipt and deposit in the Louisiana Wildlife and Fisheries Conservation Fund, as required by law, be appropriated on a pro-rata basis to the department.

Acts 1995, No. 513, §1.

§641.1. Exclusive licensing authority; rules and regulations

A. The legislature finds that it is in the best interests of protecting, conserving, and replenishing the wildlife and fisheries resources of the state that the department, through its secretary, shall have authority to provide for the issuance of hunting and fishing licenses through an electronic issuance system.

B. Notwithstanding any other provision of law to the contrary, the secretary shall promulgate rules and regulations to implement an automated license issuance system which includes but is not limited to the following nonexclusive authorization:

- (1) To enter into contracts for the provisions of licensing services.
- (2) To provide for regulations, qualification criteria, and compensation of licensing agents.
- (3) To provide for the funding for an automated license issuance system and related services including license agent commissions.
- (4) To provide for criteria to accept or reject applicants or suspend a licensee.
- (5) To provide for effective license numbers.
- (6) To provide that a license may become effective immediately upon issuance of an effective license number.
- (7) To provide for special lottery-type issues.
- (8) To enter into agreements for any manner of license issuance, distribution, and compensation therefor, including contingency fee contracts.

Acts 1998, 1st Ex. Sess., No. 164, §2, eff. Sept. 21, 1998; Acts 2003, No. 90, §1.

NOTE: *See Acts 1998, 1st Ex. Sess., No. 164, §4, Re: Effectiveness and effective date of Act. Letter dated Sept. 21, 1998, was sent to Dept. Of Wildlife & Fisheries from commissioner of administration stating that funds were appropriated from the La. Technology Innovation Fund to implement the program.*

§642. Credit card or business check purchases

A. The department shall adopt rules for the purchase by credit card of hunting, recreational fishing, and recreational gear licenses, the duck license provided for in R.S. 56:152, the combination or universal license provided for in R.S. 56:646, and the Wild Louisiana Stamp provided for in R.S. 56:1832. The rules shall include the criteria the purchaser and the credit card must meet in order to qualify for use.

B. The department may make available a "900" telephone number that any purchaser may call in order to purchase such licenses by use of a credit card. The department may, by rule, impose an additional fee for the use of a credit card to purchase the licenses, provided that such fee shall not exceed the actual cost incurred by the department for providing for credit card transactions. The department shall adopt a procedure to expedite the issuance of such licenses and stamps purchased by telephone with a credit card.

C. The department shall adopt rules and regulations authorizing the use of a credit or debit card or business check to purchase commercial licenses or permits and for the purchase of oyster tags. The rules and regulations shall include the criteria the purchaser and the credit or debit card or business check shall meet in order to qualify for use.

Acts 1995, No. 660, §1; Acts 1998, 1st Ex. Sess., No. 164, §2, eff. Sept. 21, 1998; Acts 2001, No. 270, §1; Acts 2009, No. 374, §1.

NOTE: *See Acts 1998, 1st Ex. Sess., No. 164, §4, Re: Effectiveness and effective date of Act. Letter dated Sept. 21, 1998, was sent to Dept. Of Wildlife & Fisheries from commissioner of administration stating that funds were appropriated from the La. Technology Innovation Fund to implement the program.*

§643. Exemption of persons under age sixteen and certain military personnel from licensing requirements; active duty servicemembers, their spouses, and their children

A. Persons under sixteen years of age, whether residents or nonresidents of the state, shall not be required to pay fees for the issuance of noncommercial hunting and fishing licenses.

B.(1) Any person who possesses a military identification card that signifies that he is currently on active military duty with any one of the armed forces of the United States, including the National Guard, or the spouse or dependent of such person, may be issued a license for hunting or recreational fishing in Louisiana after payment of the same fee as that required of Louisiana residents for that same license. Any license purchased under the provisions of this Subsection shall be valid only during that time when the person is on active duty in the armed forces of the United States. In addition, the provisions of this Subsection shall not apply to the purchase of lifetime licenses. The military identification card or dependent card and the appropriate license must be on the licensee's person at all times when he is engaged in hunting or fishing activities.

(2)(a) Any Louisiana resident who submits proof of his status as an active member in good standing of the Louisiana National Guard or any reserve component of the United States armed forces, though not currently on active duty, shall, upon request, be issued a resident Louisiana National Guard license for a fee of fifty dollars. This license shall be in lieu of basic hunting, big game, bow, primitive firearms, and waterfowl licenses, turkey hunting stamps, WMA hunting permits, and the basic and saltwater fishing licenses. The license must be in the possession of the licensee when the licensee is engaged in hunting or fishing activities. The resident shall carry proof of his status as a member of the Louisiana National Guard or any reserve component of the United States armed forces and his resident Louisiana National Guard license on his person at all times when he is engaged in hunting and fishing activities. The resident Louisiana National Guard license shall be valid from June first through June thirtieth of the following year.

(b) For the purposes of this Paragraph, a resident is someone who is registered to vote in Louisiana, has filed a Louisiana state income tax return, or is licensed to drive a motor vehicle in Louisiana. A copy of the prior year's income tax return, a copy of the applicant's voter registration card, or the actual driver's license shall constitute sufficient proof of residence.

Amended by Acts 1954, No. 674, §1; Acts 1991, No. 587, §1, eff. July 16, 1991; Acts 2000, 2d Ex. Sess., No. 1, §3, eff. June 26, 2000; Acts 2002, 1st Ex. Sess., No. 77, §1; Acts 2003, No. 271, §1; Acts 2003, No. 855, §1; Acts 2006, No. 221, §1; Acts 2006, No. 497, §1; Acts 2008, No. 51, §1, eff. June 5, 2008.

§§644, 645. *Repealed by Acts 2004, No. 566, §2.*

§646. Louisiana Sportsman's Paradise license

The Department of Wildlife and Fisheries, through its secretary, shall provide for the issuance to Louisiana residents of a universal license called the Louisiana Sportsman's Paradise license, which shall include the basic hunting and sport fishing licenses, including the saltwater angling and the recreational gear licenses, the big game, bow, and primitive firearms hunting licenses, state duck and turkey stamps, and WMA hunting permit, applicable to sport fishing and hunting, in accordance with any rules, regulations, and procedures promulgated by the secretary. The license shall not include the recreational gear license for trawls specified in R.S. 56:302.3(B)(5)(b). The fee for the Louisiana Sportsman's Paradise license shall be one hundred dollars. The license may be renewed by mail.

Added by Acts 1978, No. 541, §1. Acts 1992, No. 609, §1, eff. July 1, 1993; Acts 1993, No. 72, §1, eff. July 1, 1993; Acts 2000, 2d Ex. Sess., No. 1, §3, eff. June 26, 2000; Acts 2004, No. 94, §1, eff. May 28, 2004; Acts 2008, No. 51, §1, eff. June 5, 2008.

§647. Suspension or denial of hunting and fishing license; failure to pay child support or individual income tax

A.(1) Regardless of the requirements for the issuance or renewal of a license pursuant to the provisions of this Chapter, all hunting and fishing licenses issued pursuant to this Chapter are also subject to the provisions of R.S. 9:315.30 et seq., suspension of license for nonpayment of child support.

(2) The Department of Wildlife and Fisheries shall adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act to effectuate the orderly and expeditious suspension and reissuance of hunting and fishing licenses in accordance with R.S. 9:315.30 et seq.

B.(1) Regardless of the requirements for the issuance or renewal of a license pursuant to the provisions of this Chapter, all recreational hunting and fishing licenses issued pursuant to this Chapter are also subject to the provisions of R.S. 9:315.40 et seq., revocation of license for nonpayment of child support.

(2) The Department of Wildlife and Fisheries shall adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act to effectuate the orderly and expeditious suspension and reissuance of recreational hunting and fishing licenses in accordance with R.S. 9:315.40 et seq.

C.(1) Regardless of the requirements for the issuance or renewal of a license pursuant to the provisions of this Chapter, all hunting and fishing licenses issued pursuant to this Chapter are also subject to the provisions of R.S. 47:296.3, suspension, revocation, or denial of license for nonpayment of individual income taxes, and any rules and regulations adopted to administer R.S. 47:296.3.

(2) The secretary of the Department of Wildlife and Fisheries, in cooperation with the secretary of the Department of Revenue, shall adopt rules and regulations, in accordance with the provisions of the Administrative Procedure Act, to effectuate the orderly and expeditious suspension,

revocation, or denial, and reissuance of hunting and fishing licenses, in accordance with R.S. 47:296.3.

Acts 1995, No. 751, §2; Acts 1995, No. 1078, §4, eff. Jan. 1, 1996; Acts 2003, No. 380, §2, eff. Jan. 1, 2004.

§647.1. Special outdoor press license

A. Notwithstanding any law to the contrary, the Louisiana Wildlife and Fisheries Commission shall establish a special outdoor press license for purchase by nonresident members of the outdoor press for a fee of twenty dollars. The license shall be valid for a time period not to exceed seven consecutive days. The secretary may waive the fee for good cause on a case-by-case basis.

B. Applications for the license and supporting documentation and the license fees must be filed with the Department of Wildlife and Fisheries for approval. The license fee shall be returned to the applicant for any application not approved by the Department of Wildlife and Fisheries. The commission shall establish by rules and regulations the privileges included in the license, the criteria for determining a member of the outdoor press, and the factors to be considered for fee waivers. Development of the criteria shall be in consultation with the Department of Culture, Recreation and Tourism and the Louisiana Outdoor Writers Association.

Acts 2001, No. 582, §1, eff. June 22, 2001; Acts 2004, No. 438, §1.

**PART VIII-A. PROVISIONS APPLICABLE TO FISH, WILD BIRDS,
AND WILD QUADRUPEDS HARASSMENT OF HUNTERS,
TRAPPERS, AND FISHERMEN PROHIBITED**

§648. Definitions

As used in this Subpart, the following definitions shall apply:

(1) "Wild animal" means any wild creature, including fish, wild birds, and wild quadrupeds, the taking of which is authorized by the provisions of this Title.

(2) "Process of taking" means any act directed at the lawful taking of a wild animal, including the acts of travel, camping, or other activity occurring in preparation for the taking which occurs on state-managed lands or waters governed by the provisions of R.S. 56:781-R.S. 56:787 or which occurs on private lands or waters with the permission of the owner or his agent.

Added by Acts 1982, No. 376, §1.

§648.1. Harassment and disturbance prohibited

No person shall engage in any of the following activities on lands or waters managed by the state pursuant to R.S. 56:781 through R.S. 56:787, or upon private lands or waters where a hunter, trapper, or fisherman has been given permission by the owner or his agent to take wild animals:

(1) Interfere with the lawful taking of a wild animal by a hunter, trapper, or fisherman or interfere with the process of taking, with intent to prevent the taking.

(2) Disturb a wild animal, or engage in any activity or place any object or substance that will tend to disturb or otherwise affect the behavior of a wild animal, with intent to prevent or hinder its lawful taking.

(3) Disturb any hunter, trapper, or fisherman who is engaged in the lawful taking of a wild animal or who is engaged in the process of taking, with intent to dissuade or otherwise prevent the taking, or to prevent such person's enjoyment of the outdoors.

(4) Enter or remain upon state-managed lands or waters or upon private lands or waters with intent to violate the provisions of this Section.

(5) Enter or remain upon any private property, including nonnavigable water, owned by another through the use of a floating duck blind or any other float or boat used for the purpose of hunting migratory waterfowl without the express, written permission of the landowner, lessee, lessor, or hunting club or organization authorized to hunt on the land.

Added by Acts 1982, No. 376, §1; Acts 1990, No. 510, §1.

§648.2. Remedies, damages, and penalties

A. The secretary may seek injunctive relief to restrain and prevent violations of R.S. 56:648.1, upon request by the person affected or who reasonably may have been affected by such conduct.

B. Any person adversely affected by a violation of R.S. 56:648.1 shall be entitled to recover actual damages, including expenditures of the affected person for license and permit fees, travel, guides, special equipment and supplies, to the extent that such expenditures were rendered futile by the actions of the person violating the provisions of this Section.

C. Violation of the provisions of R.S. 56:648.1 constitutes a class two violation.

Added by Acts 1982, No. 376, §1.

§648.3. Failure to obey order; violation

A. It shall be unlawful for any person to continue any conduct in violation of R.S. 56:648.1 when ordered to desist by an enforcement officer who has observed such conduct or who has reasonable grounds to believe that the person has engaged in such conduct on that day or plans or intends to engage in such conduct that day on a specific property.

B. Violation of the provisions of R.S. 56:648.3(A) shall constitute a Class three violation.

Added by Acts 1982, No. 376, §1.

PART VIII-B. LIFETIME LICENSE ENDOWMENT PROGRAM

§649. Purpose

The legislature recognizes the inestimable importance to this state and its citizens of conserving the wildlife resources of Louisiana, as well as developing and maintaining public hunting and fishing areas within the state. The legislature further recognizes the desires of many citizens to make a lifetime contribution to preserve our rich legacy of wildlife resources for future generations and to develop and maintain public hunting and fishing areas in this state. In furtherance of these purposes, the legislature herein establishes the Lifetime License Endowment Program, and herein creates the Lifetime License Endowment Trust Fund, and the lifetime hunting and fishing licenses and the combination lifetime hunting and fishing licenses as provided in this Part.

Acts 1991, No. 184, §1, eff. Jan. 1, 1992; Acts 1992, No. 859, §1, eff. July 1, 1992.

§649.1. Lifetime hunting license

A. Any bona fide resident of this state may obtain a lifetime hunting license. The lifetime hunting license shall be in lieu of the following recreational hunting licenses: basic hunting, big game, primitive firearms, bow hunting, the Louisiana duck license, the WMA hunting permit, and the wild turkey license.

B. The fee for the lifetime hunting license shall be three hundred dollars. The fee for persons thirteen years of age or under shall be two hundred dollars.

Acts 1991, No. 184, §1, eff. Jan. 1, 1992; Acts 1992, No. 859, §1, eff. July 1, 1992; Acts 1995, No. 110, §1; Acts 1997, No. 950, §1; Acts 2001, No. 186, §1; Acts 2001, No. 270, §1; Acts 2008, No. 51, §1, eff. June 5, 2008; Acts 2010, No. 100, §1.

NOTE: *See Acts 1995, No. 110, §2.*

§649.2. Lifetime sports fishing license

Any bona fide resident of this state may obtain a lifetime sports fishing license. The lifetime sports fishing license shall be in lieu of the following recreational and sports fishing licenses: basic recreational fishing and saltwater recreational fishing. The fee for the lifetime sports fishing license shall be three hundred dollars. The fee for persons thirteen years of age or under shall be two hundred dollars.

Acts 1991, No. 184, §1, eff. Jan. 1, 1992; Acts 1992, No. 859, §1, eff. July 1, 1992.

§649.3. Combination lifetime hunting and sports fishing license

A. Any bona fide resident of this state may obtain a combination lifetime hunting and sports fishing license, which shall entitle the licensee to all of the privileges of both the lifetime hunting and lifetime sports fishing licenses provided for in R.S. 56:649.1 and 649.2. The fee for the combination lifetime license shall be five hundred dollars. The fee for persons thirteen years of age or under shall be three hundred dollars. The fee for a resident who is sixty years of age or older shall be fifty dollars.

B. A combination lifetime hunting and sports fishing license holder shall be entitled to the individual gear license privileges under the recreational gear license as provided in R.S. 56:302.3. However, an additional fee shall be levied for lifetime privileges for each recreational fishing gear license in an amount that is equal to ten times the cost of an annual license issued under the provisions of R.S. 56:302.3. Of the revenues received from the additional gear license fees, one-tenth shall be deposited to the Conservation Fund to be used by the department for its fiscal operations. The remaining nine-tenths of the revenues collected shall be deposited to the Lifetime License Endowment Fund, R.S. 56:650.

Acts 1991, No. 184, §1, eff. Jan. 1, 1992; Acts 1992, No. 859, §1, eff. July 1, 1992; Acts 2003, No. 261, §1; Acts 2004, No. 835, §1, eff. July 12, 2004.

§649.4. Nonresident combination lifetime hunting and fishing license

A. Any nonresident may obtain a combination lifetime hunting and fishing license which shall entitle the licensee to all of the privileges of both the lifetime hunting and lifetime sports fishing licenses provided for in R.S. 56:649.1 and 649.2. The fee for the nonresident combination lifetime license shall be three thousand dollars.

B.(1) Any nonresident veteran of the armed forces of the United States or a reserve component, including the National Guard, who has a permanent service-connected disability classification of fifty percent or more, may obtain a combination lifetime hunting and fishing license which shall entitle the licensee to all of the privileges of both the lifetime hunting and lifetime sports fishing licenses provided for in R.S. 56:649.1 and 649.2. The fee for such nonresident combination lifetime license shall be three hundred dollars.

(2) Such nonresident veteran must possess a valid Louisiana birth certificate, or provide satisfactory proof of having been a Louisiana resident for at least ten years.

Acts 1991, No. 184, §1, eff. Jan. 1, 1992; Acts 1992, No. 859, §1, eff. July 1, 1992; Acts 2010, No. 336, §1.

§649.5. License; license books; transfer of license prohibited

A. The lifetime licenses provided for in R.S. 56:649.1, 649.2, 649.3, or 649.4 may be obtained in person or by mail at any time during a calendar year through the Department of Wildlife and Fisheries at its office in Baton Rouge, Louisiana.

B. Every license shall by its terms be effective only during the open season for the particular kinds of wild birds, wild quadrupeds, and fish authorized thereby to be taken. Every such license shall be personal to the person to whom issued and shall not be assigned or transferred to, or used by, any other person. Every officer authorized to enforce the provisions of this Chapter shall take

possession of any license found in the possession of any person other than the one to whom issued and deliver it to the department to be cancelled. The license shall thereupon be null and void. Licensees shall have licenses in their possession when hunting and fishing and shall exhibit them on demand of any person authorized to enforce the provisions of this Chapter.

Acts 1991, No. 184, §1, eff. Jan. 1, 1992.

§649.6. Proof of residency and age; penalties

A. Any person applying for a lifetime license shall be required to furnish proof of residency as may be required by the department, and persons thirteen years of age or under shall be required to furnish a birth certificate and other proof of age and residency as may be required by the department.

B. Any person who knowingly submits any materially false or altered document in connection with any application for a lifetime license or any person who knowingly makes any materially false representation on or with any application for a lifetime license shall be guilty of a class four violation.

Acts 1991, No. 184, §1, eff. Jan. 1, 1992; Acts 1992, No. 859, §1, eff. July 1, 1992.

§649.7. Infant combination lifetime hunting and fishing license

The department shall make available for persons from birth to five years old who were born in Louisiana a combination lifetime hunting and fishing license which shall entitle the licensee to all of the privileges of both lifetime hunting and lifetime sports fishing licenses provided in R.S. 56:649.1 and 649.2. The fee for the infant lifetime license shall be two hundred dollars.

Acts 2000, 2d Ex. Sess., No. 1, §3, eff. June 26, 2000.

§650. Lifetime License Endowment Trust Fund

A.(1) Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all funds collected by the commission from every source shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, pay monthly into a public trust fund created within the Louisiana Department of Wildlife and Fisheries Conservation Fund and designated as the Lifetime License Endowment Trust Fund, after making the deductions provided in Paragraph (2) of this Subsection.

(2) The state treasurer shall deduct fifty percent of the revenues collected by the commission and shall credit such amount to the Conservation Fund for the purpose of administering and enforcing the provisions of this Chapter or for such other purposes as may be determined by the Department of Wildlife and Fisheries, or by law, in accordance with the hunting and fishing or other special license fees that would have been required for the hunting and fishing privileges covered by the provisions of R.S. 56:649.1, 649.2, 649.3, or 649.4. However, for senior lifetime combination licenses, five dollars shall be credited to the Conservation Fund. After deducting the amounts provided in this Paragraph, the balance of the funds collected for each license shall be credited to the Lifetime License Endowment Trust Fund as provided in this Section.

B.(1) The Lifetime License Endowment Trust Fund is established as a public trust fund, the principal of which shall be invested at interest in perpetuity and shall not be expended. The state treasurer shall, on a monthly basis, credit the Louisiana Department of Wildlife and Fisheries Conservation Fund with all interest revenues generated by investment of the principal of the Lifetime License Endowment Trust Fund.

(2) The state treasurer shall credit to the Lifetime License Endowment Trust Fund such additional funds as are received from private contributions, grants, and donations made to the Lifetime License Endowment Trust Fund.

C. The state treasurer shall invest the principal and the undistributed return on the principal deposited in the Lifetime License Endowment Trust Fund for the purpose of achieving perpetual financing of said fund. Such investments may include, among others authorized by law the following:

(1) Equity investments in stocks, common and preferred, or corporations listed on the New York Stock Exchange, the American Stock Exchange, or quoted on the National Association of Securities Dealers Automated Quotations System, provided that the total investment in such securities at any one time shall not exceed thirty-five percent of the market value of all funds held by the fund. The treasurer may hire, on a contract basis, investment managers or consultants as deemed appropriate to provide for the equity investments of the fund. Such contracts shall be on a fee, together with minimum exchange fee, basis or on a commission basis only, with payment for such fees being appropriated from the fund.

(2) Direct general obligations of, or obligations on, which the timely payment of the principal and interest is unconditionally guaranteed by the United States of America.

(3) Bonds, debentures, notes, or other evidences of indebtedness issued by any of the following agencies of the United States government: Government National Mortgage Association; Rural Development Administration; Export-Import Bank of the United States; Federal National Mortgage Association; Federal Home Loan Mortgage Corporation; Federal Home Loan Bank; and Student Loan Marketing Association.

(4) Bonds, debentures, notes, or other evidences of indebtedness issued by any of the following agencies of the United States government, or any other like governmental or government-sponsored agencies which are hereafter created, including the Bank of Cooperatives, Federal Financing Bank, Small Business Administration, and Bank for Reconstruction and Development.

(5) Investment grade commercial paper, investment grade corporate bonds, and money market funds consisting solely of securities otherwise eligible for investment by the treasurer pursuant to this Section.

Acts 1991, No. 184, §1, eff. Jan. 1, 1992; Acts 1992, No. 859, §1, eff. July 1, 1992; Acts 2004, No. 835, §1, eff. July 12, 2004; Acts 2005, No. 206, §1.

§650.1. Authorization of department to adopt rules and regulations

The Department of Wildlife and Fisheries, through its secretary, is hereby authorized to adopt rules and regulations necessary to implement the provisions of this Chapter and not inconsistent herewith.

Acts 1991, No. 184, §1, eff. Jan. 1, 1992.

PART IX. HUNTING PRESERVES

§651. License

Any person, firm or corporation desiring to establish, maintain or operate a hunting preserve within the state of Louisiana to permit the releasing and shooting or taking of pen-raised quail and pen-raised mallard by the public for a fee or otherwise may apply to the Louisiana Wildlife and Fisheries Commission for a license to do so, and said commission is hereby authorized to issue such an applicant a license for that purpose, upon the conditions set out.

Added by Acts 1958, No. 455, §1; Acts 1988, No. 87, §1.

§652. Rights under license

Any license issued hereunder shall permit the licensee to propagate, possess, and release for shooting or taking on the preserve covered by such license any pen-raised quail and pen-raised

mallard and in addition thereto, import, propagate, possess, and release for shooting or taking on the preserve covered by such license any foreign game bird not a native of the state of Louisiana, if approved by the Louisiana Wildlife and Fisheries Commission.

Added by Acts 1958, No. 455, §2; Acts 1988, No. 87, §1.

§653. Information to accompany applications; annual fee

A. The application for such a license shall be accompanied by a fee of two hundred dollars to be the annual charge for the issuance of such license, and shall be further accompanied by information as to:

- (1) The location and description of the premises, including a legal description of the land, and
- (2) Copies of parish or ward maps with the area or areas clearly outlined and a description of the facilities thereon, together with the interest of the applicant therein.

B. It shall further be accompanied by information on the applicant as to his place of residence or, if a corporation, the place of incorporation, and the location of its principal place of office, and if a partnership, the names and addresses of each partner, the address of its principal office, together with full details as to the intended operations on said hunting preserve. Also, the applicant shall further furnish to the commission any additional information required or which may be requested by said commission.

Added by Acts 1958, No. 455, §3; Acts 1988, No. 87, §1.

§654. Conditions

The following conditions must be complied with before the applicant shall be eligible for the issuance of a hunting preserve license as herein provided:

(1) The land to comprise said preserve shall consist of not more than 2,000 acres nor less than 100 acres and must be owned or leased by the applicant. In the event the property is under lease to the applicant, said lease shall be for a term of not less than one year from date of application, and such lease is subject to inspection and approval by the commission in the consideration of the granting of such license.

(2) The boundary lines of said premises shall be marked by signs located not more than four hundred feet apart, indicating that they are boundary line signs of the preserve in letters not less than two inches in height.

(3) Only pen-raised mallard or black ducks, at least two generations removed from the wild, or pen-raised quail are approved state game birds which may be used for preserve hunting.

(4) All open-raised quail and pen-raised mallard released on a hunting preserve shall have a band on one leg which shall contain information as to permit number and an identification number. The band must be approved by the commission and shall remain on the bird whether it be removed from the preserve dead or alive until said bird is ready for consumption. All game birds taken from any such hunting preserve must be tagged in a manner as specified and approved by the commission.

(5) A complete record of all birds propagated, released or taken on said preserve, including complete records of all operations of said preserve, shall be furnished the commission within 60 days after the hunting season has closed.

Added by Acts 1958, No. 455, §4; Acts 1988, No. 87, §1.

§655. Regulation of operations

The Louisiana Wildlife and Fisheries Commission shall have the authority to regulate the operations of hunting preserves licensed hereunder, and to set seasons, bag limits, and any other

rules and regulations on the operation of said hunting preserves as are deemed necessary for the best interest of the public.

Added by Acts 1958, No. 455, §5. Amended by Acts 1974, No. 682, §1; Acts 1988, No. 846, §1.

§656. Hunting and game laws to prevail; special licenses

All laws, rules and regulations in force pertaining to hunting or pertaining to game shall, except as herein provided, prevail on hunting preserves hereunder licensed by the Louisiana Wildlife and Fisheries Commission. The regular appropriate hunting licenses as provided by the legislature shall apply to all persons hunting on said preserves, except that should the Louisiana Wildlife and Fisheries Commission so desire, it may provide for a special resident or non-resident license to be issued at a reasonable fee applicable to any particular hunting preserve; provided further that such special license shall apply only to the person to whom issued and to the particular preserve for which issued.

Added by Acts 1958, No. 455, §6.

§657. Revocation of license; appeal

Should any licensee under this Part violate any of the provisions of this Part, or violate any law, rule, or regulation pertaining to game in this state, or should he fail to comply with the provisions of this Part or any other provision by law, rule, or regulation pertaining to game in this state, then, the secretary of the Louisiana Department of Wildlife and Fisheries is hereby empowered to immediately and without notice revoke the license hereunder issued. In the event of a revocation of license by the secretary of the Louisiana Department of Wildlife and Fisheries, the licensee to whom such license was issued may appeal within ninety days the action of the secretary to the Louisiana Wildlife and Fisheries Commission and he shall be given a hearing before said commission for a determination of his rights, which hearing shall be granted upon application by said licensee within ninety days of receipt by said commission of a written request for such hearing. Such appeal for hearing must set out all grounds for such appeal and, upon failure of the appealing licensee to set out proper grounds for such a hearing in such written request, then, the commission may in its discretion deny such hearing, provided that the appealing licensee is so notified within ninety days from the receipt by the commission of his written request.

Added by Acts 1958, No. 455, §7. Amended by Acts 1981, No. 736, §1.

§658. License periods

The licenses herein provided for shall be issued annually and shall be effective from July 1st of each calendar year through June 30th of the next calendar year.

Added by Acts 1958, No. 455, §8.

§659. Penalties

Any violation by any person, firm, or corporation of any of the provisions of this Part or the failure to comply with said provisions, including the securing of the license herein provided, shall constitute a class two violation.

Added by Acts 1958, No. 455, §9. Amended by Acts 1981, No. 837, §3.

PART X. RECIPROCAL AGREEMENTS

§671. Reciprocal agreement; fishing license

The commission may enter into reciprocal fishing license agreements with the authorities of any other state. Any reciprocal agreement shall become effective when ratified in writing both by the

commission and the authorities of the reciprocating state and shall remain in effect until ninety days after it has been rescinded in writing by either the commission or the authorities of the reciprocating state.

Added by Acts 1968, No. 239, §1.

§672. Reciprocal agreement; hunting license

The commission may enter into reciprocal hunting license agreement with the authorities of any other state. Any reciprocal agreement shall become effective when ratified in writing both by the commission and the authorities of the reciprocating state and shall remain in effect until ninety days after it has been rescinded in writing by either the commission or the authorities of the reciprocating state.

Added by Acts 1968, No. 239, §1.

§673. Reciprocal agreement; common boundaries; taking or protection of fish or other aquatic life

The commission may enter into reciprocal agreements with the states of Arkansas, Mississippi, and Texas pertaining to seasons, creel limits, and all other rules and regulations pertaining to the taking or protection of any species of fish or other aquatic life in any bodies of water which form the common boundary between Louisiana and the reciprocating state. Any reciprocal agreement shall become effective when ratified in writing both by the commission and the authorities of the reciprocating state and shall remain in effect until ninety days after it has been rescinded in writing by either the commission or the authorities of the reciprocating state.

Acts 1984, No. 843, §1.

§674. Reciprocal agreement; common boundaries; wild quadrupeds or wild birds

The commission may enter into reciprocal agreements with the states of Arkansas, Mississippi, and Texas pertaining to seasons, bag limits, and all other rules and regulations for the taking or protection of any species or sex of wild quadrupeds or wild birds in any area forming the common boundary between Louisiana and the reciprocating state. Any reciprocal agreement shall become effective when ratified in writing both by the commission and the authorities of the reciprocating state and shall remain in effect until ninety days after it has been rescinded in writing by either the commission or the authorities of the reciprocating state.

Added by Acts 1968, No. 239, §1. Acts 1984, No. 843, §1.

§675. Reciprocal agreement; statewide application; taking or protection of fish, other aquatic life, wild quadrupeds, or wild birds

The commission may enter into reciprocal agreements with the states of Alabama, Arkansas, Mississippi, and Texas pertaining to seasons, creel limits, bag limits, and all other rules and regulations pertaining to the taking or protection of any species or sex of fish, other aquatic life, wild quadrupeds, or wild birds in any area within the boundaries of the states of Alabama, Arkansas, Mississippi, and Texas.

Added by Acts 1968, No. 492, §1. Amended by Acts 1981, No. 736, §1; Acts 1984, No. 843, §1.

§676. Reciprocity; license fees; seasons; limits

Notwithstanding any other provision of law to the contrary, where the commission fails to enter into a reciprocal agreement with a state as allowed in R.S. 56:673, 674, and 675, residents of that state shall be granted or sold privileges and licenses equal to those privileges and licenses granted or sold to Louisiana residents by the nonresident's state.

Acts 1984, No. 843, §1.

§677. Reciprocal agreements; Toledo Bend; Caddo Lake; special fishing licenses; fees

Notwithstanding any other provision of law to the contrary, the Wildlife and Fisheries Commission may enter into reciprocal agreements with the state of Texas to establish special fishing licenses and fishing license fees on the Toledo Bend Reservoir and Caddo Lake.

Acts 1995, No. 117, §1.

**PART XI. SPECIAL RETIREMENT PROVISIONS
FOR CERTAIN WILDLIFE AGENTS**

§§681 to 692. *Redesignated as R.S. 11:581 to 591.*

**PART XII. ADDITIONAL SALARY FOR STATE
WILDLIFE OFFICERS**

§695. Purpose

This law is enacted by the legislature pursuant to Article X, Section 10(A)(1) of the Louisiana Constitution of 1974 in the exercise of the police power of the state, to promote the public peace and safety by providing better enforcement of the law.

Added by Acts 1975, No. 314, §1, eff. July 17, 1975.

NOTE: *Acts 1989, No. 337, §3 Provides "This Act shall become effective if and when the base salary of each person entitled to a supplement pursuant to Subpart D of Part III of Chapter 6 of Title 40 and Part XII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950 is increased by an amount equal to the supplement to which the person is entitled on the date that this Act becomes law."*

§696. Amount of additional salary

Every regularly commissioned wildlife officer employed by the enforcement division of the Department of Wildlife and Fisheries shall be paid by the state additional salary in the amount of two hundred sixty dollars per month, provided that funds are available. The salary provided for by this Section shall be in addition and supplemental to any uniform state civil service pay plan. In the event that supplemental pay for deputy sheriffs is increased, then supplemental pay for wildlife enforcement officers shall be increased in the same amount, provided that funds are available.

Added by Acts 1975, No. 314, §1, eff. July 17, 1975. Acts 1983, No. 243, §1.

NOTE: *Contingent repeal - See note following §695.*

§697. Special fund

For the payment of the additional salary provided by R.S. 56:696, there is hereby created a special fund in the treasury of the state of Louisiana, to which the appropriations hereinafter made shall be credited, and the funds so credited shall be used solely for the payment of such additional salary as provided in R.S. 56:696.

Added by Acts 1975, No. 314, §1, eff. July 17, 1975.

NOTE: *Contingent repeal - See note following §695.*

§698. Disbursement of funds

A. The funds credited to the special fund as provided in R.S. 56:697 shall be disbursed upon warrants drawn by the secretary of the Department of Wildlife and Fisheries, which warrants shall have attached to them a detailed list of the names of the officers for whose benefit any particular warrant is drawn, together with such other information as the division of administration or the state treasurer may require.

B. The secretary of the Department of Wildlife and Fisheries, on the basis of such warrants, shall prepare and sign individual checks representing the amount to be paid out of the special fund created by R.S. 56:697 to each person in accordance with the provisions of this Part. Each such check shall show the legislative appropriation from which payment is made and shall note that it represents additional salary paid by the state under the provisions of this Part. The secretary of the Department of Wildlife and Fisheries shall deliver the checks to the individual person in whose favor drawn by mail or by such other means as he shall determine.

C. The secretary of the Department of Wildlife and Fisheries shall include the additional salary paid to individuals in accordance with the provisions of this Part in the calculation and deduction from the pay of such individuals of sums required by state or federal laws to be withheld by an employer, such as federal income tax and social security tax or contribution to a state retirement system. The secretary of the Department of Wildlife and Fisheries shall be further charged with the responsibility for transmitting the sums so withheld in accordance with the law or laws requiring the withholding.

D. The additional salary paid by the state to state wildlife officers in accordance with the provisions of this Part shall be included in the calculation and computation of the total wages paid to a state wildlife officer in the determination of employer contributions to any retirement system or pension fund of which the individual may be a member as well as in the determination of retirement eligibility and benefits which may accrue to the individual under any retirement system or pension fund, as well as in the determination of any other employee benefits, sick leave, or disability pay to which the individual might be entitled.

Added by Acts 1975, No. 314, §1, eff. July 17, 1975. Amended by Acts 1981, No. 736, §1.

NOTE: *Contingent repeal - See note following §695.*

PART XIII. FIREARM AND HUNTER EDUCATION**§699. Participation in firearm and hunter education course in addition to penalties for hunting violations**

Whenever any person is convicted of violating any of the provisions of this Chapter governing the hunting or taking of wild birds or wild quadrupeds, other than by trapping, the court may in addition to imposing any fine or penalty provided for by law, order the offender to attend and participate in a firearm and hunter education course taught or approved by the department.

Added by Acts 1978, No. 655, §1. Acts 1984, No. 149, §1, eff. Sept. 1, 1985.

NOTE: *See Sections 3 and 4 of Acts 1984, No. 149.*

§699.1. Procuring hunting licenses without completion of course; prohibition

No person born on or after September 1, 1969, shall procure a hunting license of any kind, unless that person has been issued a certificate of satisfactory completion of a firearm and hunter education course taught or approved by the department.

Acts 1984, No. 149, §1, eff. Sept. 1, 1985; Acts 1997, No. 1282, §1; Acts 2009, No. 339, §1, eff. July 6, 2009.

§699.2. Issuance of hunting licenses to persons who have not completed the course; prohibition

No person authorized to issue a hunting license shall knowingly issue such a license to a person, born on or after September 1, 1969, who has not satisfactorily completed a firearm and hunter education course taught or approved by the department.

Acts 1984, No. 149, §1, eff. Sept. 1, 1985; Acts 1997, No. 1282, §1; Acts 2009, No. 339, §1, eff. July 6, 2009.

§699.3. Regulation of firearm and hunter education

The commission shall adopt rules to regulate firearm and hunter education which shall:

(1) Provide for firearm and hunter education courses to be taught or approved by the department.

(2) Provide for the testing and certification by the department of residents of this state as firearm and hunter education instructors.

(3) Establish minimum requirements for firearm and hunter education courses conducted by private groups, state and local agencies other than the department, other states, and subdivisions thereof, which the department may approve for purposes of this Part.

(4) Provide for the revocation of any hunting license or hunting permit upon determination that the holder thereof obtained it other than in accordance with this Part.

Acts 1984, No. 149, §1, eff. Sept. 1, 1985.

NOTE: See Sections 3 and 4 of Acts 1984, No. 149.

§699.4. Penalty provision

Violation of any provision in this Part or of any commission rule or regulation adopted pursuant to this Part shall constitute a class one violation.

Acts 1993, No. 80, §1.

§699.5. Firearm and hunter education requirement

A.(1) No person shall hunt with a firearm unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course taught or approved by the department, or possesses a valid hunting license issued by the department.

(2) However, a person under sixteen years of age may hunt without such certificate if he is accompanied by and is under the direct supervision of a person who is eighteen years of age or older and has a valid hunting license or proof of successful completion of a hunter safety education course approved by the department. For the purposes of this Subsection, "direct supervision" means that the person being supervised shall be within a normal audible voice proximity and in direct line of sight of the supervising adult at all times while hunting.

(3) However, a person who has not completed the firearm and hunter education course required by Paragraph (1) of this Subsection may be issued a valid hunting license by the department. Such license shall be issued with a restriction that requires that person be accompanied by and under the direct supervision of a person who is eighteen years of age or older and has a valid hunting license or proof of successful completion of a hunter safety education course approved by the department.

B. A person who is developmentally disabled and unable to successfully complete a hunter safety course may be issued a restricted hunter education certificate that permits him to hunt, if he is accompanied by and is under the direct supervision of a person who is eighteen years of age or older and has a valid hunting license or proof of successful completion of a hunter safety education

course approved by the department. Documentation of the developmental disability from a licensed medical doctor shall be presented prior to the issuance of a restricted hunter education certificate.

C. For the purposes of this Section, "direct supervision" means that the person being supervised shall be within a normal audible voice proximity and in direct line of sight of the supervising adult at all times while hunting.

D. The commission may adopt rules to implement the provisions of this Section, including rules to define the circumstances that constitute a person being accompanied by and under the direct supervision of another.

Acts 1995, No. 412, §1; Acts 1997, No. 1282, §1; Acts 2004, No. 100, §1; Acts 2010, No. 292, §1; Acts 2010, No. 335, §1.

§699.6. Firearm and hunter education exemption

The provisions of R.S. 56:699.1, 699.2, and 699.5 shall not apply to any active or veteran member of the United States armed services or to any POST-certified law enforcement officer or to any individual with current POST-certification. The commission may adopt rules to implement this Section including rules regarding evidence of such service. Application for the exemption authorized in this Section shall be filed in person at the Department of Wildlife and Fisheries main office building in the city of Baton Rouge, or at any other location designated by the department.

Acts 2001, No. 223, §1; Acts 2008, No. 46, §1.

§699.7. Four wheeler and all-terrain vehicle instruction

The department may offer in its firearm and hunter education program an educational block of instruction on the proper way and method of safely riding "four wheelers" or all-terrain vehicles.

Acts 2004, No. 172, §1.

§699.8. Repealed by Acts 2010, No. 335, §2.

PART XIII-A. HUNTING AND FISHING EDUCATION ADVISORY COUNCIL

§699.21. Membership

A. The Hunting and Fishing Advisory Education Council shall be established within the Department of Wildlife and Fisheries to promote the many benefits of hunting and fishing among Louisiana citizens and to educate the citizens of the state on those benefits.

B. Members of the council shall serve on a voluntary basis and shall not receive any compensation or reimbursement for expenses. The council shall meet at least twice annually and shall consist of the following members:

- (1) One member appointed by the Louisiana Wildlife Federation.
- (2) One member appointed by the Louisiana Coastal Conservation Association.
- (3) One member appointed by the Louisiana Wild Turkey Federation.
- (4) One member appointed by the Louisiana Bass Federation.
- (5) One member appointed by the Charter Boat Captain's Association.
- (6) One member appointed by the Trapper and Alligator Hunter's Association.
- (7) One member appointed by the secretary of the Department of Wildlife and Fisheries.

- (8) One member appointed by the Louisiana Outdoor Writer's Association.
- (9) One member appointed by the Cajun Becasse Society.
- (10) One member appointed by the Bayou State Bowhunter's Association.
- (11) One member appointed by the chairman of the Senate Natural Resources Committee.
- (12) One member appointed by the chairman of the House Committee on Natural Resources and Environment.
- (13) One member appointed by the Louisiana Marine Trades Association.
- (14) One member appointed by the Jefferson Parish Marine Fisheries Advisory Board.
- (15) One member appointed by the director of the LSU Agriculture Center Cooperative Extension Service who is a specialist or agent assigned to fisheries or wildlife advisory work.

Acts 2001, No. 322, §1; Acts 2008, No. 580, §7.

§699.22. Council powers; duties; responsibilities

The council shall develop plans and strategies to promote public awareness that fees, taxes, and traditional expenditures of hunters and anglers provide financial support for the management of fish and wildlife resources, habitat conservation and management, and the enforcement of fish and wildlife laws, and contribute to the local and national economy.

Acts 2001, No. 322, §1.

PART XIV. FISHERMEN'S GEAR COMPENSATION FUND

§700.1. Definitions

As used in this Part, unless the context requires otherwise, the following terms shall have the following meanings:

- (1) "Commercial fisherman" means any citizen of the state of Louisiana whose primary source of earnings is from the harvesting of living marine resources for commercial purposes. "Earnings" means the earnings derived solely by the personal efforts of the commercial fisherman, exclusive of the income of a spouse or of any community property interest in the income of a spouse.
- (2) "Fishing gear" means (a) any vessel and (b) any equipment, whether or not attached to a vessel, which is used in the commercial handling or harvesting of living marine resources.
- (3) "Secretary" means the secretary of the Department of Natural Resources or his designee.
- (4) "Department" means the Department of Natural Resources.
- (5) "Fund" means Fishermen's Gear Compensation Fund.

Added by Acts 1979, No. 673, §1. Acts 1983, No. 705, §6, eff. Sept. 1, 1983; Acts 1997, No. 801, §1, eff. July 10, 1997.

§700.2. Establishment, continuance, and purposes of fund; geographical coverage; assessments

A. There is hereby established in the state treasury a Fishermen's Gear Compensation Fund into which amounts paid pursuant to this Section shall be deposited. The fund shall be available to the secretary only for the following purposes:

- (1) Administrative and personnel expenses of the fund.

(2) Payment of any fully justified claim made in accordance with procedures established herein for actual damages suffered by a commercial fisherman as a result of hitting or snagging an obstruction or hazard in the waters of the state resulting from natural occurrences, oil and gas activities, or other activities where the owner of said obstruction is unknown.

(3) Expenses necessary to implement an investigatory survey of existing potential underwater obstructions which might be due to past drilling, production, and transportation activities. Such survey shall be conducted in not more than three geographical areas which are known to be hazardous as a result of underwater obstructions, the locations and sizes of which shall be approved by the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment, meeting jointly, following a consensus of opinion relative thereto rendered by commercial fishermen and the secretary. The purpose of the survey shall be to reveal the location, size, and density of underwater obstructions, as well as to test investigatory procedures, so as to provide field data and information which might aid fishermen directly and which shall be used to design a program more responsive to the needs of fishermen. Withdrawals from the fund for the purposes of surveying shall be limited to the one-time application described in this Paragraph and shall not exceed one-fourth of the monies remaining in the fund at the time that this Paragraph becomes effective.

(4) On July 1, 2001 and on each July first thereafter and ending after June 30, 2012, the state treasurer shall deposit annually, the amount of two hundred fifty thousand dollars into the Underwater Obstruction Removal Fund as provided in R.S. 30:101.9. The department shall seek to match these funds with whatever federal or state funds may be available for such purposes.

B. The Fishermen's Gear Compensation Fund shall be established for Louisiana territorial waters which overlie state-owned waterbottoms which are contained within the coastal zone boundaries as described and established by R.S. 49:213.4.

C.(1) The fund shall be established within sixty days of the effective date of this Part, at a level sufficient to meet administrative and personnel expenses of the fund, including implementation of responsibilities set forth in R.S. 56:700.5, as well as payment of justified claims made pursuant to this Part.

(2) To create a workable balance immediately upon establishment of the fund, the secretary shall be authorized and empowered to levy a fee upon each lessee of a state mineral lease and each grantee of a state right of way, for each lease and right of way in effect at the time of the effective date of this Part and which are located within the coastal zone boundary, in an amount of three hundred dollars. In addition, the state treasurer shall be authorized to pay into the fund a sum in the amount of one hundred thousand dollars from proceeds remaining in the Bond Security and Redemption Fund after compliance with dedications of mineral royalties, leases, bonuses and rights of way and other sums payable to the state as lessor of mineral leases and grantor of rights of way as required pursuant to R.S. 30:136(B) and R.S. 30:136.1(A), (B), and (C), after a sufficient amount has been allocated from the Bond Security and Redemption Fund to pay all obligations secured by the full faith and credit of the state which become due and payable within the fiscal year.

D. In the same fiscal year during which the fund is established, and in each fiscal year subsequent to that in which the fund is established, at any time that the balance of the fund becomes two hundred fifty thousand dollars or less and the secretary determines that additional monies are required to pay justified claims and to cover necessary administrative costs of the program, the secretary shall be authorized and empowered to replenish the fund by levying additional fees on each lessee of a state mineral lease and each grantee of a state right of way, for each lease or right of way in effect at the time of establishing the fee rate and which are located within the coastal zone boundary. However, fees levied upon leases and rights of way as provided herein shall be made on

a per-unit basis at a level not to exceed one thousand dollars per lease or right of way during any fiscal year.

Added by Acts 1979, No. 673, §1. Amended by Acts 1981, No. 477, §1. Acts 1983, No. 705, §6, eff. Sept. 1, 1983; Acts 1991, No. 337, §1; Acts 1999, No. 599, §2, eff. July 1, 1999; Acts 2001, No. 705, §1, eff. July 1, 2001; Acts 2003, No. 830, §1, eff. July 1, 2003; Acts 2007, No. 167, §1, eff. June 29, 2007; Acts 2008, No. 580, §7.

§700.3. Rules and regulations

A. In carrying out this Part, the secretary shall prescribe, and from time to time amend, regulations for the filing, processing, and the fair and expeditious settlement of claims pursuant to this Part, including a time limitation on the filing of such claims and the appointment of hearing examiner. These regulations shall insure that the whole claim procedure is as simple as possible. Any designee of the secretary authorized to prescribe and amend such rules and regulations shall do so under the overall supervision and control of the secretary.

B. In the formulation of regulations pursuant to this Part, the secretary shall establish a procedure whereby a fisherman may recover for damages from an obstruction encountered previously.

C. Any rule, regulation, or guideline shall be proposed or adopted pursuant to the rulemaking procedures set forth in the Administrative Procedure Act and shall be subject to approval by the House Committee on Natural Resources and Environment and Senate Committee on Natural Resources. Such approval shall be presumed unless either committee submits objections in writing within fifteen days after receipt of the proposed rule, regulation, or guideline, provided that such written objections shall be subject to override by the governor within five days after receipt of the objections by the governor.

D. The department shall promulgate regulations implementing the Fishermen's Gear Compensation Fund on or before October 1, 1980. The department shall hold not less than three public hearings for the purpose of receiving public input on the development of the regulations.

Added by Acts 1979, No. 673, §1. Acts 1983, No. 705, §6, eff. Sept. 1, 1983; Acts 2008, No. 580, §7.

§700.4. Disbursement of funds; eligibility; hearings

A. Payments may be disbursed by the undersecretary of the Department of Natural Resources as authorized by the secretary from the fund to compensate commercial fishermen for actual property damage suffered as a result of hitting or snagging an obstruction or hazard in the territorial waters of the state within the boundaries of the fund but shall not be extended to speculative loss such as anticipated profit or income.

B. In order to be eligible to receive reimbursement from the fund, a commercial fisherman must show that he has a valid claim. A valid claim shall be established by the hearing examiner, based on evidence that the following conditions have been met:

(1) The fishing vessel was being used for fishing in Louisiana territorial waters within the boundaries of this fund.

(2) The fisherman made a report to the Department of Natural Resources on the location of the obstruction postmarked within ninety days of the loss. If good cause is shown, the secretary of the Department of Natural Resources, when there are extenuating circumstances, may waive the ninety-day limit on the reporting period, such waiver period not to exceed forty-five days; and

(3) The fisherman has made a good faith effort to locate the financially responsible party. Evidence of a good faith effort shall be established by regulation, and shall include attempts to

identify the responsible party with the assistance of the Department of Natural Resources where necessary.

C. The provisions of Subsections A and B of this Section notwithstanding, no payment:

(1) Shall be made by the fund when the damage set forth in a claim was caused by materials, equipment, structures, or other items attributable to a financially responsible party and unless evidence is submitted that the party responsible for the obstruction can not be determined;

(2) Shall exceed five thousand dollars for any incident; or

(3) Shall be made unless the claimant shows by a preponderance of evidence that he is free from contributory negligence in causing the loss.

(4) Shall be made for any claim at a site that has been certified by the assistant secretary of the office of conservation for the Department of Natural Resources as having been cleared under the Louisiana Underwater Obstruction Removal Program, R.S. 30:101.1 et seq. Once a site has been cleared under the Louisiana Underwater Obstruction Removal Program, the assistant secretary shall certify that the site of at least two hundred yards in diameter is free of obstructions and future claims at a site so certified shall be denied. Whenever four or more claims are reported after a site has been certified as clear, the site shall be revisited and the new or leftover obstruction shall be located and, if the department determines it is feasible, removed.

D. Upon receipt of a claim against the fund, the secretary shall assign the matter to a hearing examiner for disposition. Claimants shall submit such documentary evidence as the hearing examiner requires to prove a valid claim justifying payment from the fund. In the event that a dispute arises over any claim that cannot otherwise be resolved, the hearing examiner shall hold a hearing, after giving public notice. At such hearing, the claimant and any other interested person may submit evidence. The hearing examiner shall have the power to administer oaths and subpoena witnesses and books, records, and other evidence pertinent to the issue. The hearing shall be held in the state at a place and time determined by the secretary. After the hearing, a prompt decision shall be made, all in accordance with rules and regulations adopted pursuant to this Part and the Administrative Procedure Act.

Added by Acts 1979, No. 673, §1. Acts 1983, No. 705, §6, eff. Sept. 1, 1983; Acts 1988, No. 33, §1, eff. June 10, 1988; Acts 1999, No. 11, §1; Acts 1999, No. 599, §2, eff. July 1, 1999.

§700.5. Facilities reports; survey of obstruction; labelling

A. Within 180 days of the effective date of this Act, the secretary shall prepare a detailed file of all structures and facilities located on state waterbottoms within the boundaries of this fund. In developing the file the secretary may require the owners and operators of state mineral leases and pipelines rights of way to furnish information relative to the location, description and nature of facilities, both active and abandoned, on and beneath the state's waterbottoms.

B. The secretary of the Department of Natural Resources shall establish and classify all potential hazards to commercial fishing caused by oil and gas exploration, development, and production activities in Louisiana waters, including all obstructions on the bottom, throughout the water column, and on the surface. The survey shall be completed on or before October 1, 1980.

C. The secretary of the Department of Natural Resources shall establish regulations for all materials, equipment, tools, containers, pipelines, and other items used within Louisiana waters by the oil and gas industry to be properly stamped or labelled, wherever practicable, with the owner's identification prior to actual use. These regulations shall be consistent with labelling regulations promulgated by the U.S. Department of Interior pursuant to the provisions of Title IV of the Outer Continental Shelf Lands Act Amendments of 1978¹.

Added by Acts 1979, No. 673, §1.

¹43 U.S.C.A. 1841 et seq.

PART XV. OYSTER LEASE DAMAGE EVALUATION BOARD

§700.10. Purpose

With declining reserves and oil and gas becoming harder to discover it is incumbent upon the state to remove as many obstacles as it can which might impede the future exploration and development of minerals in the public waterbottoms. Oyster leases and oil and gas exploration and production have historically utilized much of the same areas in the waterways and waterbottoms on public lands in the state. The oil and gas industry has been faced with the problem of having to negotiate damages to oyster beds to conduct geophysical surveys, drilling activities, and movement of equipment to and from well sites in an uncertain and unpredictable manner which is creating an undue burden on the industry. The purpose of this Part is to effect an equitable solution to the problem which will result in fair and predictable treatment to the oil and gas industry while assuring the oyster fishermen actual compensation for damages to their oyster beds due to mineral activities. The state has a tremendous interest in preserving the viability of both industries. Since both activities are granted on public waterbottoms by the state it is the obligation of the state to resolve the problems created by this impasse; therefore, the legislature does hereby establish the Oyster Lease Damage Evaluation Board to promulgate rules and regulations to determine the method of establishing a uniform system of compensation for actual damages caused to the beds of leaseholders based on biological test data.

Acts 1995, No. 1304, §1, eff. June 29, 1995.

§700.11. Definitions

As used in this Part, unless the context requires otherwise, the terms set forth below shall have the following meanings:

- (1) "Board" means the Oyster Lease Damage Evaluation Board.
- (2) "Biological test data" means surveys of oyster beds and grounds by a certified biologist to determine the quality, condition, and value of oyster beds and grounds.
- (3) "Leaseholder" means an owner of an oyster lease granted by the Department of Wildlife and Fisheries.
- (4) "Department" means the Department of Natural Resources.
- (5) "Mineral activity" means exploration (including all seismic operations), production, transportation (of equipment or product), and any other activity associated with the production of oil and gas.
- (6) "Owner" means an owner or operator of a mineral activity.
- (7) "Secretary" means the secretary of the Department of Natural Resources, or his designee.

Acts 1995, No. 1304, §1, eff. June 29, 1995.

§700.12. Damages to oyster leases; mineral activity; settlements and claims

Notwithstanding any other law to the contrary, including but not limited to R.S. 56:423 et seq., the claim of any lessee of oyster beds or grounds who is requested to enter into a settlement for damages which may occur due to an oil and gas activity which proposes to intrude upon the leasehold may be settled in the following manner:

- (1) If the leaseholder and the owner of the oil and gas activity agree to settle for a fixed amount the settlement shall be in writing, signed by both parties, granting the activity for the agreed upon sum which shall be paid immediately.

(2) In the event that a settlement is reached there shall be no further claims or demand for damages thereafter for the activity upon which the agreement was made.

(3) If a settlement cannot be reached between the leaseholder and the owner, either party may file a request with the board for arbitration and final determination of the actual damages to the oyster lease due to the mineral activity thereon.

(4) If the claim is brought before the board, the owner of the oil and gas activity shall, at its¹ own expense, have a biological survey made of the leased premises to determine the quality and value of the beds and grounds which will be involved in the proposed operation. A biological survey shall be performed before the operations begin and upon completion of the activity.

(5) If the claim is brought before the board, the owner of the oil and gas activity shall file the initial biological survey with the board and pay a deposit to the board based on estimated damages as determined by the board after consideration of the results of the biological survey and any other information provided to the board. After payment of the deposit, the owner may proceed with his proposed activity. Upon completion of the activity, the owner of the oil and gas activity, at his own expense, shall have another biological survey performed and filed with the board so that actual damages to the leasehold may be determined by the board.

(6) All claims shall be evaluated expeditiously based on biological test data done before and after the activity over or on the beds occurs, and upon determining actual damages the claim shall be immediately paid to the board by the owner for the benefit of the leaseholder. Upon payment of the damages by the owner there shall be a presumption created in favor of the owner that actual damages are paid in full.

(7) If the leaseholder or owner is not satisfied with the decision of the board he may obtain judicial review by a suit in district court of the parish where the leasehold improvements are situated. The burden of proof for liability and damages and all costs shall be borne by the party seeking judicial review. If the district court upholds the findings of damages by the board the party seeking judicial review shall pay all costs and attorney fees of the other party.

Acts 1995, No. 1304, §1, eff. June 29, 1995; Acts 1997, No. 1115, §1; Acts 2004, No. 282, §1, eff. June 15, 2004; Acts 2005, No. 438, §1, eff. July 11, 2005.

¹*As appears in enrolled bill. Should be "his".*

§700.13. Establishment of the board

A. There is hereby established within the office of the secretary of the Department of Natural Resources the Oyster Lease Damage Evaluation Board, hereinafter known as the board.

B. The board shall include five members consisting of one member nominated by the Louisiana Oyster Dealers and Growers Association, one member nominated by the Louisiana Oyster Task Force, two members nominated jointly by the Louisiana Independent Oil and Gas Association, Louisiana Mid-Continent Oil and Gas Association and the Louisiana Landowners Association, and one member, selected by the other four members of the board, who is a practicing administrative law judge.

C. The board shall develop a list of qualified biologists to provide biological test data in determining the quality, condition, and value of oyster beds and grounds. The secretary, in conjunction with the board, shall develop a list of qualifications for these biologists. When an owner of an oil and gas activity is required under the provisions of R.S. 56:700.12(4) to perform a biological survey, he shall choose a biologist to conduct the survey from the list of qualified biologists supplied by the board. The secretary, in conjunction with the board, shall adopt rules providing for selection of a qualified biologist. Unless a written objection is filed with the board by either party, if a qualified biologist was previously engaged to conduct a biological survey for the

mineral activity subject to the requested arbitration, that same biologist may be used for the biological surveys.

D. The board members shall evaluate the information regarding damage to the beds and make the final determination in awarding damages to claimants. The secretary, upon receiving this determination of damages, may reject the damage award and send the matter back to the board. The board may then either revise the damage award or, by a two-thirds vote, affirm the original damage determination. If the board fails to either revise the damage award or affirm the original damage determination, the arbitration process provided in this Part shall conclude without a final determination of damages.

E. The determinations of damages by the board shall be based on the values shown in the biological survey and shall reflect true and actual damages.

F. Notwithstanding the provisions of R.S. 56:424, representatives or assigns of the owner of the oil and gas activity may remove, as a sample, oysters from an oyster lease on state water bottoms in order to make determinations in matters before the Oyster Lease Damage Evaluation Board. In order to take such samples, the representatives or assigns of the owner of the oil and gas activity shall first submit written notice to the leaseholder. If the leaseholder has not granted permission within fifteen days after the written request for permission was submitted, the representatives or assigns of the owner of the oil and gas activity shall notify the leaseholder of the date and time that the lease will be surveyed. The leaseholder may accompany the biologist during the survey or may authorize another person to accompany the biologist during the survey.

Acts 1995, No. 1304, §1, eff. June 29, 1995; Acts 1997, No. 1115, §1; Acts 2004, No. 282, §1, eff. June 15, 2004; Acts 2005, No. 438, §1, eff. July 11, 2005; Acts 2009, No. 363, §1.

§700.14. Rules and regulations

A. In carrying out this Part, the secretary, in conjunction with the board, shall prescribe, and from time to time amend, regulations for the filing, processing, and the fair and expeditious settlement of claims pursuant to this Part, including a time limitation on the filing of such claims. These regulations shall insure that the whole claim procedure is as simple and as expeditious as possible. In no case shall the claim procedure exceed ninety days from the date the request for arbitration is filed with the board. Any designee of the secretary authorized to prescribe and amend such rules and regulations shall do so under the overall supervision and control of the secretary.

B. In the formulation of regulations pursuant to this Part, the secretary, in conjunction with the board, shall establish a procedure whereby an oyster fisherman may recover for actual damages to his oyster beds or grounds caused by oil and gas activities.

C. Any rule, regulation, and fees for the administration of this Part shall be proposed or adopted pursuant to the rulemaking procedures set forth in the Administrative Procedure Act and shall be subject to approval by the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment.

D. The secretary, in conjunction with the board, shall promulgate rules for developing a uniform evaluation method to be used in the biological surveys to determine the estimated value of the leasehold before the activity takes place and the estimated damages or loss to the leasehold after the activity is completed.

E. The secretary, in conjunction with the board, shall promulgate regulations implementing the Oyster Lease Damage Evaluation Board's procedures and methods of operation on or before October 1, 1997.

Acts 1995, No. 1304, §1, eff. June 29, 1995; Acts 1997, No. 1115, §1; Acts 2008, No. 580, §7.

CHAPTER 2. WILDLIFE MANAGEMENT AREAS AND REFUGES

PART I. GENERAL PROVISIONS

SUBPART A. FEDERAL AID TO WILDLIFE RESTORATION; REFUGES FOR MIGRATORY WILD FOWL

§701. Cooperation with federal government

The state of Louisiana assents to the provisions of the Act of Congress entitled: "An Act to provide that the United States shall aid the states in wildlife restoration projects and for other purposes." The director shall perform such acts as are necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in the Act of Congress, in compliance with the Acts and rules and regulations promulgated by the secretary of the interior thereunder, including the making of a survey of the state to determine the actual status of wildlife conditions within the state and the establishment of projects for wildlife conservation, restoration, development and the recommendation of improvements in the administration of sport, fish, and game laws.

Amended by Acts 1974, No. 717, §1.

§702. Acquisition of necessary property; powers of commission

The commission may acquire by purchase, gift, expropriation, or otherwise, all property necessary, useful, or convenient for the use of the commission. It may prescribe the methods for taking wildlife and may fix seasons and bag limits or may close seasons on all wildlife or any species thereof in any specific locality when it finds, after investigation, that such action is necessary to assure the maintenance of an adequate supply of wildlife.

Amended by Acts 1974, No. 717, §1.

§703. Lease or sale of lands to federal government by levee boards

The boards of commissioners of the various levee districts may donate, lease, or sell, under such terms and conditions as they deem best, any lands respectively owned by them to the United States of America for use as refuges or sanctuaries for migratory wild fowl. However, in all cases the mineral rights on all such lands shall be reserved.

Amended by Acts 1974, No. 717, §1.

SUBPART B. FEDERAL WILDLIFE RESTORATION

§711. Protection of watersheds of navigable streams

The consent of the State of Louisiana is given to the Congress of the United States to make or to authorize the proper authorities of the Government of the United States to make such rules and regulations as the Government of the United States determines to be needful in respect to game animals, fish, and game and non-game birds on such lands and in the waters thereof situated in the state as are purchased by the United States under the terms of the Act of Congress of March 1, 1911, entitled "An Act to enable any State to cooperate with any other state or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers"¹, and Act of Congress supplementary thereto and amendatory thereof.

¹10 U.S.C.A. §552.

§712. Cooperative agreements

The director may enter into cooperative agreements with the proper authorities of the government of the United States for the protection and management of the wildlife resources of the national forest lands within the state and for the restocking thereof with desirable species of game and non-game birds, animals and fish.

Amended by Acts 1974, No. 717, §1.

§713. Powers of director; hunting and fishing licenses; rules and regulations

The director may prohibit all hunting and fishing within the lands so contracted for with the government of the United States for such period of time as is in his opinion necessary. He may also prescribe from time to time the open seasons for hunting and fishing therein, may issue special hunting and fishing licenses therefor, and may fix the fees to be charged for the licenses. He may prescribe the maximum number of game animals and birds and the minimum size and maximum number of fish that may be taken therefrom and the conditions under which they may be taken. All such rules and regulations shall be published in accordance with the laws, rules and regulations of the commission.

Amended by Acts 1974, No. 717, §1.

§714. Penalty for violation of rules and regulations

Whoever violates any rule or regulation prescribed by the director by virtue of the authority granted to him under R.S. 56:713 shall, for each offense, be fined not less than \$25 or more than \$100 or be imprisoned for not less than ten days or more than thirty days.

Amended by Acts 1974, No. 717, §1.

SUBPART C. PARISH GAME AND FISH PRESERVES**§721. Authorization**

Any parish may by formal resolution of its governing authority establish, maintain, and operate game and fish preserves in the parish.

§722. Game and fish commission; rules and regulations

A. The governing authority of a parish may appoint a commission composed of citizens and taxpayers of the parish, whose term shall be concurrent with that of the governing authority appointing, who serve without compensation, to be known as the _____ game and fish commission. The commission may make rules and regulations for the government, regulation, and control of the preserve and for the conservation, protection, and propagation of game and fish in the preserve, provided that such rules and regulations shall be finally approved, adopted, and promulgated by the Louisiana Wildlife and Fisheries Commission.

B. No game and fish commission or political subdivision may regulate the movement, mooring, or position of any commercial industrial vessel on navigable waterways within its jurisdiction.

Acts 1997, No. 21, §1; Acts 2005, No. 184, §1.

§722.1. Game and fish commissions, Lafourche Parish

A. The governing authority of Lafourche Parish may appoint one or more game and fish commissions, each of which may be composed of seven citizens and taxpayers of the parish, whose terms shall be at the pleasure of the governing authority of Lafourche Parish, and who shall serve

without compensation. The commission may make rules and regulations as provided in R.S. 56:722, including provisions for leasing of land within Lafourche Parish which is necessary to carry out the provisions of this Section.

B. The Lafourche Parish Game and Fish Commission may govern, regulate, and control Lake Long in Lafourche Parish in the manner provided in this Subpart.

Added by Acts 1982, No. 717, §1; Acts 2010, No. 384, §1.

§723. Transfer of lands by levee boards and school boards

Levee boards and school boards owning land in the bed of nonnavigable streams, where the lands are annually overflowed, may sell the lands to any parish establishing a game or fish preserve, for that purpose. The school boards and levee boards may transfer the property by proper deed whenever the sale is made.

§724. Dykes or dams; excavations

The governing authority of a parish may build dykes or dams, dig canals, or excavate lake or stream beds whenever such work is necessary to the creation and establishment of such preserves, and may appropriate and expend the money necessary therefor.

§725. Expropriation of property; revocation of rules and regulations

Governing authorities of parishes availing themselves of the provisions of this Sub-part may expropriate such property, under the rules and regulations provided by law, as is necessary to the establishment of the preserve and to the establishment of fishing and hunting camps provided for in R.S. 56:726, and may annul, revoke, and set aside any rule or regulation made by the commission when petitioned by not less than fifty citizens and taxpayers of the parish.

§726. Fees for privilege of hunting and fishing; erection of camps

The commission may charge an annual fee for the privilege of hunting or fishing in the preserve, not to exceed one dollar per year to residents of the parish nor fifty cents per day to non-residents of the parish. The revenue derived from such fees shall be used and expended by the commission for the benefit of the preserve and for the purpose of erecting and maintaining at suitable points public camping places, boats, and accommodations for the use and benefit of the citizens and patrons of the preserve.

§727. Approval of rules and regulations; promulgation; penalties

Rules and regulations proposed by any parish commission shall become effective only after being approved by the Louisiana Wildlife and Fisheries Commission, which has concurrent jurisdiction and power over the parish preserve. Such rules and regulations shall be promulgated and adopted in accordance with the Administrative Procedure Act. Any person who violates a rule or regulation adopted as provided in this Section shall be guilty of a class 2 violation.

Amended by Acts 1974, No. 717, §1; Acts 1981, No. 736, §1; Acts 1997, No. 21, §1.

§728. Appropriations out of general fund; special taxes; employment of deputy sheriff

The governing authority of a parish in which a preserve is established may appropriate money for the use and benefit of the preserve out of its general fund, and vote special taxes for the maintenance, operation, and equipment of the preserve. It may employ and pay a deputy sheriff, under the supervision of the sheriff of the parish, to aid the commission in the enforcement of its rules and regulations for the conservation and protection of the game and fish in the preserve.

§729. Anacoco-Prairie State Game and Fish Preserve; transfer

A. All property, both movable and immovable, comprising the Anacoco-Prairie State Game and Fish Preserve in Vernon Parish is hereby transferred from the state of Louisiana, Department of Wildlife and Fisheries, to the governing authority for the parish of Vernon. The lands subject to this transfer are those provided for in the creation of said preserve by Act No. 277 of the 1948 Regular Session, which were subsequently transferred to the state of Louisiana, Department of Wildlife and Fisheries, pursuant to Act No. 490 of the 1981 Regular Session and R.S. 36:610. All lands are located in Vernon Parish and are more particularly described as follows:

Section Nineteen, Township Two North, Range Nine West (Sec. 19, Twp. 2 N., Range 9 W); and

Sections Two, Three, Four, Nine, Ten, and Eleven, Township One North, Range Ten West (Secs. 2, 3, 4, 9, 10, and 11, Twp. 1 N., Range 10 W); and

Sections Thirteen, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Thirty-three, Thirty-four, Thirty-five, Township Two North, Range Ten West (Secs. 13, 23, 24, 25, 26, 27, 33, 34, 35 Twp., 2 N., Range 10 W).

B. Said preserve and its lands shall be governed by the commission created by the parish governing authority in accordance with the provisions of this Subpart.

Acts 1995, No. 116, §1.

SUBPART D. STATE GAME PRESERVE AND PUBLIC HUNTING GROUND

§751. Dedication of state lands withdrawn from entry

All of the vacant and unappropriated public lands belonging to the state on December 9, 1921 or thereafter acquired by accretion or otherwise, and more particularly described as follows, are withheld and withdrawn from entry or sale and perpetually dedicated as a game preserve and public hunting ground:

All swamps and marsh lands in township 22 South, range 20 East, Southeastern District of Louisiana, East of the Mississippi River, excepting the following lands: S.E. 1/4 of S.E. 1/4 of section 11; N. 1/2 of S.E. 1/4 of section 12; S. 1/2 of N.W. 1/4, N.E. 1/4 of S.W. 1/4, N.W. 1/4 of S.E. 1/4 of section 15; S.E. 1/4 of S.E. 1/4 of section 15; and sections 22, 25, and 26.

All swamps and marsh lands in township 22 South, range 21 East, Southeastern District of Louisiana, East of the Mississippi River, excepting the following lands: S.E. 1/4 of S.W. 1/4, S.W. 1/4 of S.W. 1/4 of section 4; N.E. Frac. 1/4, N.W. 1/4 of S.W. 1/4 S. 1/2 of N.W. 1/4 of section 7; N. Frac. 1/2 of N.W. 1/4, N.W. 1/4 of N.E. 1/4 of section 8.

All swamps and marsh lands in township 22 South, range 22 East, Southeastern District of Louisiana, East of the Mississippi River.

All swamps and marsh lands in township 23 South, range 21 East, Southeastern District of Louisiana, East of the Mississippi River.

All swamps and marsh lands in township 22 South, range 32 East, Southeastern District of Louisiana, West of the Mississippi River, excepting the following lands: All of sections or lots 9 or lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44; and all of fractional sections in rear of lots 28, 29, 30, 31, 32, 33, and 34. All swamps and marsh lands in township 22 South, range 33 East, Southeastern District of Louisiana, West of the Mississippi River, excepting the following lands: All of sections or lots 1, 2, 3, 4, 5, 6, and 7.

All of swamps and marsh lands in township 23 South, range 32 East, Southeastern District of Louisiana, West of the Mississippi River, excepting the following lands: Sections or lots 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91.

All swamps and marsh lands in township 23 South, range 33 East, Southeastern District of Louisiana, West of the Mississippi River, excepting the following lands: Section 1; sections 2; sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15; section 17; section 18; section 19.

All swamps and marsh lands in township 23 South, range 34 East, Southeastern District of Louisiana, west of the Mississippi River.

All swamps and marsh lands in township 24 South, range 32 East, Southeastern District of Louisiana, West of the Mississippi River, excepting the following lands: All of sections or lots 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, and 77.

All swamps and marsh lands in township 24 South, range 33 East, Southeastern District of Louisiana, West of the Mississippi River, excepting the following lands: Sections or lots 9 and 10.

§752. Control of area; rules and regulations

The commissioner of wildlife and fisheries has absolute control and authority concerning the use of the lands and shall adopt rules and regulations controlling the area.

§753. Trapping, hunting, or fishing on preserve

No person shall trap, hunt, or fish on the preserve except under such rules and regulations as are made by the commissioner.

§754. Penalty for violation of rules and regulations

Whoever violates any of the provisions of this Sub-part, or such rules and regulations as shall hereunder have been adopted by the commissioner, shall, for each offense, pay the cost of the prosecution and be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not less than ten days nor more than six months, or both.

SUBPART E. MISCELLANEOUS PROVISIONS FOR WILDLIFE REFUGES, WILDLIFE MANAGEMENT AREAS, AND PUBLIC HUNTING GROUNDS

§761. Protection of wild animals and birds on wildlife refuges, wildlife management areas, and public hunting grounds

A. No person shall, except in accordance with commission rules and regulations, kill, snare, pursue with intent to kill, take by any means, or have in possession any wild animal or bird upon any state wildlife refuge, wildlife management area, or public hunting ground.

B. Each killing or pursuing with intent to kill, snaring, taking, or having in possession of any wild animal or bird, on a wildlife refuge, wildlife management area or public hunting ground, constitutes a separate offense.

C. This Section does not prohibit the secretary from killing or having killed any noxious animals on lands under his supervision, or from having caught or snared any wild animals or birds for the purpose of propagation, restocking, or scientific investigation.

Amended by Acts 1981, No. 838, §1.

§762. Imported wild birds and animals protected in general

No person shall catch, kill, snare, or pursue any wild animal or bird imported into this state by the federal government, or by any person under the supervision and consent of the commission for the purpose of experimentation or propagation.

Amended by Acts 1981, No. 736, §1.

§763. Acceptance of other lands and designation as wildlife refuges, wildlife management areas, and public hunting grounds; rules and regulations; Rainey Sanctuary; National Audubon Society

A. The commission may accept from any person, from the state, or from the federal government any lands or waters suitable for wildlife refuges, wildlife management areas, and public hunting grounds; may designate and set these apart; and may provide rules and regulations not contrary to law for the conservation of the birds, quadrupeds, and fish found thereon.

B. The commission may make rules and regulations for the protection of the birds, game, and fish on or in the Rainey Sanctuary of the National Audubon Society in Vermilion Parish and on or in the streams and canals forming the boundaries thereof.

Amended by Acts 1970, No. 651, §1; Acts 1981, No. 736, §1; Acts 1981, No. 838, §1.

§764. Penalty for violation of R.S. 56:761, R.S. 56:762 or R.S. 56:763

Violation of the provisions of R.S. 56:761, R.S. 56:762, or R.S. 56:763 constitutes a class two violation.

Amended by Acts 1970, No. 651, §1; Acts 1981, No. 837, §3.

§765. Donations for wildlife refuges, wildlife management areas, and public hunting grounds; applicability of certain laws

The provisions of R.S. 30:148.1 - 148.7 and R.S. 47:648.1 shall not authorize the breach of any term or condition of any donation which has been accepted by the state involving any state wildlife refuge, wildlife management area, or public hunting ground.

Acts 1986, 1st Ex. Sess., No. 36, §1, eff. Dec. 24, 1986.

§766. Taking of mayhaw berries; rules and regulations

Any rules and regulations adopted and promulgated by the department applicable to the taking or collection of mayhaw (*Crataegus aestivalis*) berries in wildlife management areas and wildlife refuges shall be subject to legislative oversight in accordance with the Administrative Procedure Act. The taking of mayhaw berries as provided herein, shall not be subject to the Public Bid Law. Notwithstanding any other provision of law, rule, or regulation to the contrary, no person shall be charged a fee for collecting mayhaw berries in wildlife management areas and wildlife refuges, nor shall any person be limited as to the quantity of mayhaw berries that can be collected.

Acts 1991, No. 1028, §2.

§767. Private property surrounded by certain wildlife management areas; regulation of hunting and fishing

A. All privately owned property which is completely surrounded by a wildlife management area shall be subject to all state hunting and fishing provisions, including those provisions regarding seasons. Such private property shall not be subject to the special hunting and fishing provisions which govern the wildlife management area, except that deer may not be taken with the aid of dogs. However, the owner or lessee of such property shall be required to participate in the deer management assistance program provided for in R.S. 56:110. In addition, the owner or lessee of

such property shall not be allowed to hunt, trap, or take resident game by the aid of baiting or placing bait intended to attract or entice the resident game to the area where hunters are attempting to take them.

B. The provisions of this Section shall apply only to private property which, as of June 30, 1999, is surrounded by a wildlife management area or property which is privately owned as of June 30, 1999, and is subsequently surrounded by a newly created or expanded wildlife management area.

Acts 1997, No. 1292, §1; Acts 1999, No. 1250, §1.

§768. Private property surrounded by wildlife management areas; access

The Department of Wildlife and Fisheries shall ensure land access by the owner or owners thereof to privately owned property which is located within the boundaries of a wildlife management area and which is totally surrounded by that wildlife management area.

Acts 1999, No. 716, §1.

SUBPART F. UPLAND WILDLIFE REFUGES, WILDLIFE MANAGEMENT AREAS AND PUBLIC HUNTING GROUNDS

§781. Authorization for creation of wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, and wildlife sanctuaries

The wildlife and fisheries commission shall select lands owned or acquired by the state for the establishment of wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, and wildlife sanctuaries and may properly equip, maintain, and control the wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, and wildlife sanctuaries for the protection and management of the wild game and wild animal life therein. The department shall properly stock the wildlife refuges, wildlife management areas, the public hunting grounds, upland game preserves, and wildlife sanctuaries.

Amended by Acts 1981, No. 736, §1; Acts 1981, No. 838, §1.

§782. Notice of intention to dedicate lands; publication

When a tract of land owned by the state has been selected for wildlife refuge, wildlife management area, public hunting ground, upland game preserves, or wildlife sanctuaries by the commission, notice containing a description by section, township, and range of the lands selected shall be given by the commission to the state land office, or other proper departments, of the selection of the lands for that purpose. The commission shall publish for a period of not less than thirty days notice of intention to dedicate the described lands for a wildlife refuge, wildlife management area, a public hunting ground, upland game preserves, or wildlife sanctuaries in a newspaper published or having a circulation within the parish or parishes in which the area is situated. Thereupon, the lands become perpetually dedicated to the purpose of maintaining a wildlife refuge, wildlife management area, a public hunting ground, upland game preserves, or wildlife sanctuaries. Thereafter no use shall be made of the lands inconsistent with or harmful to the purpose of providing a wildlife refuge, wildlife management area, a public hunting ground, upland game preserves, or wildlife sanctuaries.

Amended by Acts 1981, No. 736, §1; Acts 1981, No. 838, §1.

§783. Lease of lands; publication of notice

The commission may, under such terms and conditions as it deems advisable, lease from private persons or corporations lands within the state for the establishment of wildlife refuges, wildlife

management areas, public hunting grounds, upland game preserves, or wildlife sanctuaries. A notice describing the land by section, township, and range and stating that same has been leased and set aside as a wildlife refuge, wildlife management area, a public hunting ground, upland game preserves, or wildlife sanctuaries shall be published for not less than thirty days in a newspaper published or having a circulation in the parish or parishes in which the lands are situated.

Amended by Acts 1981, No. 736, §1; Acts 1981, No. 838, §1.

§784. Reforestation projects; contracts with owners of land; notice

The commission may contract with the owners of all tracts of land acquired or accepted under reforestation projects within the state for the establishment and maintenance of wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, or wildlife sanctuaries on such lands, providing that after such land has been selected and the contract entered into, notice describing the land by section, township, and range and advising that the land has been set aside as a wildlife refuge, wildlife management area, a public hunting ground, upland game preserves, or wildlife sanctuaries shall be published as provided in R.S. 56:783.

Amended by Acts 1981, No. 736, §1; Acts 1981, No. 838, §1.

§785. Posting of land; stocking; rules and regulations

The department shall post such wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, or wildlife sanctuaries with suitable signs located not less than every lineal quarter mile along the boundary lines of the wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, or wildlife sanctuaries, and shall properly stock the areas. The commission may make rules and regulations for the protection of the wild game and wild animal life within the areas and may properly fence, equip, or maintain the areas for the protection of the wild animal life and game.

Amended by Acts 1981, No. 736, §1; Acts 1981, No. 838, §1.

§786. Dedication of land; trespass; destruction or defacing signs; arrest

After such lands have been selected for use as wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, and wildlife sanctuaries, and notice of such selection and dedication published as herein provided, and after the lands have been fenced or posted as hereinabove provided, the areas thereupon become dedicated as a wildlife refuge, wildlife management area, public hunting ground, upland game preserves, or wildlife sanctuaries.

No person shall trespass upon such land or hunt, trap, snare, or take the wild animal life or game within the wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, or wildlife sanctuaries contrary to commission regulation, or destroy or deface fencing or signs placed on or around the areas. A person found so doing may be arrested on sight by any wildlife agent or other authorized officer.

Amended by Acts 1981, No. 736, §1; Acts 1981, No. 838, §1.

§787. Penalty for violation of Subpart

Violation of the provisions of this Subpart constitutes a class two violation.

Amended by Acts 1981, No. 837, §3.

**SUBPART G. SCHOOL LANDS WITHIN OR CONTIGUOUS TO
WILDLIFE REFUGES, WILDLIFE MANAGEMENT AREAS,
OR PUBLIC HUNTING GROUNDS**

§791. Protection of wild birds or animals; penalty for violation of Subpart

A. Except as provided in R.S. 56:792, no person shall, except in accordance with commission rules and regulations, kill, snare, or pursue with intent to take or kill by any means, or have in possession any wild animal or bird from or upon any school land or school section located within, contiguous to, or adjoining the boundaries of any wildlife refuge, wildlife management area, or public hunting ground, public or private, established or designated as such by the secretary of the Department of Wildlife and Fisheries by and with the consent of the parish school board or under its authority.

B. The killing, snaring, taking, or having in possession, or pursuing with intent to do so, of each wild animal or bird on any such land or section constitutes a separate offense.

C. Whoever violates any provision of this Subpart shall be fined not less than five dollars nor more than one hundred dollars, with costs of suit, for each offense.

D. The provisions of this Section shall not apply to Vermilion Parish except that it shall be unlawful in Vermilion Parish for any person to use firearms in the trapping and taking of fur bearing animals. The rental or leasing of any public lands owned by the Vermilion Parish School Board for any purpose described herein shall be in accordance with advertisement and bidding laws.

E. Violation of any provision of this Subpart shall constitute a class two violation.

Amended by Acts 1977, No. 449, §1; Acts 1981, No. 837, §3; Acts 1981, No. 838, §1.

§792. Secretary excepted

The secretary of the Department of Wildlife and Fisheries may kill or have killed obnoxious animals on any such land or section or ensnare or have ensnared thereon any wild animal or bird for propagation, restocking, educational purposes, or scientific investigation.

Amended by Acts 1981, No. 736, §1.

SUBPART H. DEVELOPMENT OF ATCHAFALAYA RIVER BASIN

§795. Purchase of portions of Atchafalaya River Basin; nature, recreation and wildlife management area

A.(1) The Department of Wildlife and Fisheries is hereby authorized to purchase land from willing sellers in the Atchafalaya River Basin south of U.S. Highway 190, between the East and West Atchafalaya Protection Levees, and north of Morgan City, for the comprehensive development of a nature and recreation area out of funds appropriated for that purpose, subject to approval by the Joint Legislative Committee on the Budget.

(2) The department is further authorized to purchase land from willing sellers in Madison, Tensas, and Franklin Parishes containing fifty thousand acres, more or less, being a portion of a tract of land known as the Chicago Mill and Lumber Company tract, subject to approval by the Joint Legislative Committee on the Budget.

(3) The department is further authorized to purchase land from willing sellers in Concordia, Catahoula, Franklin and Tensas Parishes containing fifty-seven thousand acres, more or less, being a tract of land known as the Fisher Lumber Company tract; and if the land is conveyed to the state,

the seller may retain mineral rights in all or part of said land as agreed upon between purchaser and seller.

(4) The department is further authorized to sell any or all portions of the lands purchased under the authorization of this Subsection, provided that the sale price is not less than the price paid by the department.

B. It is hereby recommended and requested that the United States Army Corps of Engineers shall, as partial mitigation for recreation losses and damages to fish and wildlife habitat and resources within the Atchafalaya River Basin due to their flood control projects, provide a tract of land within the Atchafalaya River Basin consisting of not less than 50,000 acres or two tracts of not less than 25,000 acres each, for wildlife management areas to be managed and administered by the Louisiana Wildlife and Fisheries Commission, and the Louisiana Wildlife and Fisheries Commission shall enter into negotiation and take steps to achieve the purposes of this Subsection.

C. One-half of all revenues derived from the sale of timber from wildlife management areas located within the Atchafalaya River Basin shall be placed in a special fund and shall be used for no other purposes than the maintenance and development of such areas. The remaining one-half of all revenues derived from the sale of timber from such areas shall be placed to the credit of the General Fund.

Acts 1968, No. 612, §§1-3. Amended by Acts 1982, No. 743, §1.

§796. Lake Fausse Point, Lake Dauterive, and Grand Avoille Cove Advisory Board

A. The Lake Fausse Point, Lake Dauterive, and Grand Avoille Cove Advisory Board, hereafter in this Section referred to as the board, is hereby created to advise the secretary on matters pertaining to the preservation of the Lake Fausse Point, Lake Dauterive, and Grand Avoille Cove area and to the development of recreational opportunities in the area.

B.(1) The commission is comprised as follows:

(a) The member of the Louisiana House of Representatives representing House District Number 49 or his designee.

(b) The member of the Louisiana House of Representatives representing House District Number 50 or his designee.

(c) The member of the Louisiana House of Representatives representing House District Number 46 or his designee.

(d) The member of the Louisiana Senate representing Senate District Number 21 or his designee.

(e) The member of the Louisiana Senate representing Senate District Number 22 or his designee.

(f) Two members of the Chitimacha Tribe appointed by the governing authority of the tribe.

(g) One member appointed by the mayor of Baldwin subject to confirmation by the governing authority of Baldwin.

(h) One member appointed by the mayor of Jeanerette subject to confirmation by the governing authority of Jeanerette.

(i) The member of the St. Mary Parish governing authority representing Council District Number 1 or his designee.

(j) The member of the Iberia Parish governing authority representing Council District Number 11 or his designee.

(k) The member of the St. Martin Parish governing authority representing Council District Number 1 or his designee.

(l) The Eagle Point Park Committee shall appoint two of its members to serve on the board.

(m) The members of the Legislature of Louisiana referenced in Subparagraphs (a) through (e) of this Paragraph shall collectively appoint one licensed commercial fisherman.

(n) The members of the Legislature of Louisiana referenced in Subparagraphs (a) through (e) of this Subsection shall appoint one member from a list of three nominations submitted by the local chapter of Ducks Unlimited.

(o) The governing authority of the St. Mary Parish Consolidated Water and Sewer District of Charenton shall appoint one of its members to serve on the board.

(p) The lieutenant governor, the secretary of the Department of Wildlife and Fisheries, and the secretary of the Department of Natural Resources may each designate an individual to serve as a nonvoting member of the board.

(q) The parish presidents for Iberia Parish, St. Martin Parish, and St. Mary Parish, shall serve as ex officio nonvoting members of the board or may designate a person to serve in their stead.

(2) The term of each appointed member shall be concurrent with the term of the respective appointing authority.

(3) The board shall elect from its membership a chair, a vice chair, and other officers as it deems appropriate.

(4) The board shall hold regular meetings as provided by its bylaws and may hold special meetings upon the call of its chair or vice chair or upon the call of a majority of its members. The board shall meet not less often than quarterly but not more often than monthly. Meetings shall be held at the Chitimacha Tribal Center unless the board, by majority vote, determines that meeting at such location is impractical or that the center is otherwise unavailable for the meetings.

(5) Members of the board shall serve without compensation.

(6) The maximum expenditure of state funds for this commission shall be limited to two thousand dollars per year. Notwithstanding any other law or provision to the contrary, the board is authorized to receive by gift, grant, donation or otherwise, any sum of money, aid or assistance from the United States, the state of Louisiana, or any of the political subdivisions thereof, the Chitimacha Tribe, private entities, or any other private or public source, to provide additional funds for the purpose of carrying out the objects, purposes, operations, and activities of the board.

C.(1) The board shall:

(a) Assess the impact natural processes and human activity are having on the area.

(b) Advise the secretary on policies and projects that will preserve the natural state and viability of the lakes and their environs and at the same time make recreational enjoyment of the area available to more people.

(c) Evaluate the effectiveness of governmental policies and projects and report to the secretary on any need for changes therein.

(d) Ensure that any decision of the board is consistent with the Basin Master plan, the Annual Basin plan, and the master plan for coastal protection and restoration for a sustainable coast.

(2) The board may commission studies and prepare reports relating to the purpose for which it is created and may solicit, accept, and expend funds for such purposes.

(3) Any project proposed by the board which may impact water quality or water management in the Atchafalaya Basin, as defined by R.S. 30:2000.2, shall comply with all requirements of R.S. 30:2000.11 for the approval of a water management project for inclusion in the Annual Basin plan.

D. Unless otherwise extended by legislation, the authorization for the creation of the board shall terminate on December 31, 2019, and the board shall cease all functions and be dissolved as of that date.

Acts 2009, No. 361, §1; Acts 2010, No. 88, §1.

SUBPART I. WILDLIFE REFUGE AND GAME PRESERVES; REVENUES FROM; TRUST FUNDS

§797. Rockefeller Foundation Wildlife Refuge and Game Preserve; revenues; allocation

A.(1) All revenues belonging to the state of Louisiana which are received as royalty, rentals, or otherwise from leases for the exploration, development, or production of oil, gas, and other minerals on all or any portion of the lands in the parishes of Vermilion and Cameron comprising the Rockefeller Foundation Wildlife Refuge and Game Preserve, which was donated to the state of Louisiana by the Rockefeller Foundation by act of donation executed by it on September 30, 1920, and was accepted by the state of Louisiana under the terms and provisions of Act No. 71 of 1920 on November 8, 1920, which constitutes a contract between the state of Louisiana and Rockefeller Foundation entered into pursuant to said Act, and which is now on file and of record in the offices of the secretary of state and the commissioner of conservation and also in the offices of the clerks of court and ex officio recorders of the parishes of Vermilion and Cameron, subject to the prior charge on said revenues in favor of the Royalty Road Funds for the parishes of Vermilion and Cameron under authority of Section 2 of Article IV of the Louisiana Constitution of 1921, and Section 4 of Article VII of the Louisiana Constitution of 1974, when collected shall be deposited in the state treasury in a special fund designated as the Rockefeller Wildlife Refuge and Game Preserve Fund.

(2) The state treasurer is authorized and directed to transfer annually an amount equalling five percent of the annual revenues credited to said fund into a special fund designated as the Rockefeller Wildlife Refuge Trust and Protection Fund. If mineral and interest income credited to the Rockefeller Wildlife Refuge and Game Preserve Fund exceeds ten million dollars annually, the state treasurer is authorized and directed to transfer annually an amount equalling twenty-five percent of the annual income credited to the Preserve Fund into the Rockefeller Wildlife Refuge Trust and Protection Fund. Such transfers shall be made until such time as the principal amount credited to such fund equals the sum of fifty million dollars.

B. The remaining revenues comprising the said Rockefeller Wildlife Refuge and Game Preserve Fund and all income earned from investments of such revenues, shall be used first, for the purpose of paying the costs of maintenance, policing, and improving the said wildlife refuge and preserve, and the development of conditions suitable for improving such wildlife refuge and preserve, and any surplus of revenues derived from said mineral development or production on Rockefeller Wildlife Refuge shall be used by the Department of Wildlife and Fisheries in wildlife management programs and activities, particularly land acquisition throughout the state.

C. The state treasurer shall invest the principal and the undistributed return on the principal deposited in the said Rockefeller Wildlife Refuge Trust and Protection Fund for the purpose of achieving perpetual financing of said fund. Such investments may include, among others authorized by law the following:

(1) Equity investments in stocks, common and preferred, or corporations listed on the New York Stock Exchange, the American Stock Exchange, or quoted on the National Association of Securities Dealers Automated Quotations System, provided that the total investment in such securities at any one time shall not exceed thirty-five percent of the market value of all funds held by the fund. The treasurer may hire, on a contract basis, investment managers or consultants as deemed appropriate to provide for the equity investments of the fund. Such contracts shall be on a fee, together with minimum exchange fee, basis or on a commission basis only, with payment for such fees being appropriated from the fund.

(2) Direct general obligations of, or obligations on which the timely payment of the principal and interest is unconditionally guaranteed by the United States of America.

(3) Bonds, debentures, notes, or other evidences of indebtedness issued by any of the following agencies of the United States government: Government National Mortgage Association; Rural Development Administration; Export-Import Bank of the United States; Federal National Mortgage Association; Federal Home Loan Mortgage Corporation; Federal Home Loan Bank; and Student Loan Marketing Association.

(4) Bonds, debentures, notes, or other evidences of indebtedness issued by any of the following agencies of the United States government, or any other like governmental or government-sponsored agencies which are hereafter created, including the Bank of Cooperatives, Federal Financing Bank, Small Business Administration, and Bank for Reconstruction and Development.

D. Investment income from said trust and protection fund shall be allocated annually, even during the period that the fund is being increased to the fifty million dollar level, as follows:

(1) Three hundred thousand dollars to McNeese State University for educational purposes. The provisions of this Paragraph shall be inoperative and of no effect after July 1, 1993.

(2) Sixty thousand dollars to the Governor's Special Commission on Educational Services to provide for undergraduate and graduate scholarships to Louisiana state colleges and universities for Louisiana residents to study in the fields of wildlife, forestry, or marine sciences, or study in curricula leading to study in such fields, such scholarships to have been approved by the Department of Wildlife and Fisheries for funding from such monies.

(3) Three hundred thousand dollars for the Department of Wildlife and Fisheries to purchase lands that are of benefit to waterfowl and contribute to the North American Waterfowl Management Plan.

(4) Three hundred thousand dollars for the Department of Wildlife and Fisheries to purchase land for upland game habitat.

(5) Until the principal in the Rockefeller Wildlife Refuge Trust and Protection Fund reaches fifty million dollars, one hundred fifty thousand dollars to the Louisiana Fur and Alligator Advisory Council to accomplish the specific goals listed in R.S. 56:279(B).

(6) If revenue available from the Rockefeller Wildlife Refuge and Game Preserve Fund is not sufficient to cover the cost of maintenance, policing, and improving the said wildlife refuge and preserve, and the development of conditions suitable for improving such wildlife refuge and preserve, any investment income needed from the trust and protection fund shall be made available to fulfill said needs, subject only to appropriation by the legislature. Use of the funds for such purposes shall take precedence over any other purpose provided in this Section.

(7) However, as a one time allocation, three hundred fifty thousand dollars to the Department of Wildlife and Fisheries for an initial design of a nature trail and visitor's center at the Rockefeller Wildlife Refuge and Game Preserve.

E.(1) The investment income from said trust and protection fund remaining after the annual allocations provided for in this Section shall be added to the trust and protection fund. When the principal amount credited to the Rockefeller Wildlife Refuge Trust and Protection Fund reaches an amount equal to the sum of fifty million dollars, the proceeds derived from interest earned on

investment of the principal shall, subject to all prior annual transfers of funds provided for by this Section, be allocated by the state treasurer in accordance with legislative appropriation to the Department of Wildlife and Fisheries to be used by said department first solely to defray the expense of maintaining, policing, and improving the Rockefeller Foundation Wildlife Refuge and Game Preserve and for the development of conditions suitable for improving said wildlife refuge and game preserve.

(2) After all needs of the refuge have been provided for, any income earned from the investment of the principal shall, subject to legislative appropriation, be available to the Department of Wildlife and Fisheries for the following activities:

- (a) Marsh Island and State Wildlife Refuge land stewardship.
- (b) Statewide fur management and research.
- (c) Statewide alligator management and research.
- (d) Statewide migratory bird management and research.

Added by Acts 1972, No. 321, §1; Amended by Acts 1978, No. 342, §1; Acts 1980, No. 807, §1; Acts 1982, No. 63, §1, eff. July 11, 1982; Acts 1982, No. 93, §1; Acts 1987, No. 849, §1, eff. July 20, 1987 and July 1, 1989; Acts 1989, No. 707, §1, eff. July 1, 1989; Acts 1992, No. 498, §1; Acts 1995, No. 832, §1; Acts 1999, No. 1041, §1.

NOTE: *See Acts 1987, No. 849, §2 regarding increase in maximum deposited amounts effective July 1, 1989.*

§798. Russell Sage or Marsh Island Refuge

A.(1) The State Mineral and Energy Board is hereby authorized to lease for exploration, development or production of oil, gas, or other minerals all or any portion of Marsh Island, donated to the state of Louisiana by the Russell Sage Foundation and accepted by the state of Louisiana, under the terms and provision of Act No. 70 of the 1920 Regular Session of the Legislature, as supplemented by Act 136 of the 1958 Regular Session of the Legislature, and of the contract between the state of Louisiana and the Russell Sage Foundation entered into pursuant to said Act, now on file and of record in the office of the secretary of state; such lease or leases to be for such time or times as may be mutually agreed upon between the Russell Sage Foundation and the State Mineral and Energy Board, and under such conditions, rules, and regulations as will, to the satisfaction of the Russell Sage Foundation, afford adequate present and future protection of Marsh Island for the purposes for which it was donated by the Russell Sage Foundation to the state and as will insure a minimum disturbance of wildlife on the island, and upon condition that the state of Louisiana shall pay or cause to be paid to the Russell Sage Foundation in the usual manner one-half of any and all revenues due to the state as royalty, rentals, or otherwise from such use, exploration, and development of such leased lands, except tax revenues, and that the state of Louisiana shall devote the other half of the such revenues so derived, first to maintaining, policing, and improving Marsh Island as a wildlife refuge or reserve, which funds shall be credited to, and form part of the Marsh Island Operating Fund, and any excess thereafter remaining of the state's one-half share of such revenues in the Marsh Island Operating Fund at the conclusion of the fiscal year shall be divided into two equal parts, one of which shall be dedicated, set aside, and placed with the state treasurer in a special fund to be known as the "Russell Sage or Marsh Island Refuge Fund", in order to insure through investment or its principal income, for the future maintenance, policing, and improving of Marsh Island as a wildlife refuge, and the other such part shall be available to be expended by the Louisiana Department of Wildlife and Fisheries or its successors for statewide projects for the propagation and protection of wildlife in the state of Louisiana.

(2)(a) In the event that ten million dollars have accumulated and remain in the Russell Sage or Marsh Island Refuge Fund, all interest and income from investments generated by the Russell Sage or Marsh Island Refuge Fund shall be transferred annually to the Marsh Island Operating Fund for

the protection of Marsh Island and any excess of such interest and income from investments which remain in the Marsh Island Operating Fund at the end of each fiscal year shall be apportioned as follows: first to provide for an annual adjustment in the limit on accumulated funds in the Russell Sage or Marsh Island Refuge Fund which adjustment shall be an amount equal to the annual percentage change in the United States consumer price index for all urban consumers, as published by the United States Department of Labor, for the preceding calendar year multiplied by the preceding year's limit, and, thereafter the remainder shall also be available to be expended by the Louisiana Department of Wildlife and Fisheries or its successors for statewide projects for the propagation and protection of wildlife in this state.

(b) The secretary of Louisiana Department of Wildlife and Fisheries shall file with the State Mineral and Energy Board annually, on or before July thirtieth of each year, an accurate and detailed written report, in duplicate, of the expenditures made from the state's one-half share of such revenues. One of the copies of such report shall be delivered by the State Mineral and Energy Board to the Russell Sage Foundation, and the other shall remain on file with the State Mineral and Energy Board, provided that the Russell Sage Foundation shall have the right if it so desires to verify any such report by audit.

(c) Upon the same terms and conditions and subject to the same division and disposition of revenues therefrom the State Mineral and Energy Board is authorized to grant permits to conduct geophysical surveys of all or any portion of Marsh Island.

B.(1) The state treasurer shall invest the principal and the undistributed return on the principal deposited in said Russell Sage or Marsh Island Refuge Fund for the purpose of achieving perpetual financing of said trust fund for the purposes for which said trust fund was created, the income from investments to be added to said trust fund and to become a part thereof for all purposes, except as provided in Paragraph A(2). Such investments may include, among others authorized by law, the following:

(a) Equity investments in stocks, common and preferred, of corporations listed on the New York Stock Exchange, the American Stock Exchange, or quoted on the National Association of Securities Dealers Automated Quotations System, provided that the total investment in such securities at any one time shall not exceed thirty-five percent of the market value of all funds held by the fund. The treasurer may hire, on a contract basis, investment managers or consultants as deemed appropriate to provide for the equity investments of the fund. Such contracts shall be on a fee, together with minimum exchange fee, basis or on a commission basis only, with payment for such fees being appropriated from the fund.

(b) Direct general obligations of or obligations on which the timely payment of the principal and interest is unconditionally guaranteed by the United States of America.

(c) Bonds, debentures, notes, or other evidences of indebtedness issued by any of the following agencies of the United States government: Government National Mortgage Association; Rural Development Administration; Export-Import Bank of the United States; Federal National Mortgage Association; Federal Home Loan Mortgage Corporation; Federal Home Loan Bank; and Student Loan Marketing Association.

(d) Bonds, debentures, notes, or other evidences of indebtedness issued by any of the following agencies of the United States government, or any other like governmental or government-sponsored agencies which are hereafter created, including the Bank of Cooperatives, Federal Financing Bank, Small Business Administration, and Bank for Reconstruction and Development.

(2) The state treasurer shall also invest the funds for maintaining, policing, and improving Marsh Island as a wildlife refuge or reserve in the Marsh Island Operating Fund for the purpose of earning interest on the Marsh Island Operating Fund, the income from investment to be added to said fund and to become a part thereof for all purposes.

C. The term "statewide projects for the propagation and protection of wildlife" is herein defined as:

(1) Acquisition of wildlife habitat at a price which is equal to or less than the appraised market value, including the purchase of holdings on existing wildlife management areas, as well as adjoining or adjacent lands, or other tracts of such size and location as shall be appropriate for wildlife management;

(2) Habitat management of existing and future wildlife management areas; and

(3) Construction, maintenance, and operation of roads, waterways, buildings and other structures, facilities, and improvements upon existing and future wildlife management areas for the purposes for which they were acquired.

D. The term "wildlife management area" as used herein shall include Marsh Island.

E. Operations necessary for the management, maintenance, and development of conditions suitable for improving Marsh Island as a wildlife refuge and preserve which are potentially revenue producing shall be conducted only in accordance with the Deed of Donation from the Russell Sage Foundation to the state of Louisiana and under such provisions and conditions as will afford adequate present and future protection of Marsh Island for the purposes for which it was donated and as will insure a minimum disturbance of wildlife on the island, and upon conditions that any revenues derived from such operations shall be dedicated, set aside, and placed with the state treasurer in a special fund which is hereby created in the state treasury to be known as the "Russell Sage or Marsh Island Refuge Capital Improvement Fund" which shall be devoted solely to capital improvements to Marsh Island, with a portion of the funds accruing to be held in reserve for unusual nonrecurring events caused by forces of nature or other unusual events. The state treasurer shall invest the principal and interest deposited in said Russell Sage or Marsh Island Capital Improvement Fund for the purpose of achieving perpetual financing of said trust fund for the purposes for which said trust fund was created, the income from investments to be added to said trust fund and become a part thereof for all purposes. The secretary of the Louisiana Department of Wildlife and Fisheries shall deliver to the Russell Sage Foundation annually, on or before July thirtieth of each year, an accurate and detailed written report of the expenditures made from said trust fund. The Russell Sage Foundation shall have the right if it so desires to verify any such report by audit.

F. The secretary of the Department of Wildlife and Fisheries is hereby authorized to employ a qualified accountant for the purposes of compiling the reports reflecting the status of the Marsh Island Operating Fund and special trust funds provided for by this Section, calculating the change in the Russell Sage or Marsh Island Refuge Fund limit, and for such other reporting purposes as may be agreed by the Russell Sage Foundation and the secretary of the Department of Wildlife and Fisheries.

Added by Acts 1971, No. 62, §2; Amended by Acts 1973, No. 154, §1; Acts 1987, No. 849, §1, eff. July 20, 1987; Acts 1992, No. 885, §1, eff. July 8, 1992; Acts 1999, No. 1041, §1; Acts 2009, No. 196, §9, eff. July 1, 2009.

§799. *Repealed by Acts 1999, No. 186, §1.*

SUBPART I-1. WHITE LAKE PROPERTY

§799.1. Purpose

The purpose of this Subpart is to provide for the administration, control, management, and funding for the White Lake Property located in Vermilion Parish. The legislature acknowledges that the White Lake Property provides an opportunity for, and an obligation on, the state to preserve a

scarce fresh water ecosystem and to conserve and protect in perpetuity a relatively natural habitat of fish, wildlife or plants or similar ecosystem.

Acts 2004, No. 613, §2, eff. Jan. 1, 2005.

§799.2. Definitions

As used in this Subpart, the following terms shall have the following meanings:

(1) "Act of donation" means the "Act of Donation by BP America Production Company to the State of Louisiana", dated July 8, 2002, and recorded July 11, 2002, in the conveyance records of Vermilion Parish, bearing entry number 20208337 in which the property in and around White Lake, located in Vermilion Parish, was donated to the state.

(2) "Board" means the White Lake Property Advisory Board.

(3) "Commission" means the Louisiana Wildlife and Fisheries Commission.

(4) "Department" means the Department of Wildlife and Fisheries.

(5) "Fund" means the White Lake Property Fund.

(6) "White Lake Property" means the properties owned by the state in and around White Lake, located in Vermilion Parish which were donated to the state in "Act of Donation by BP America Production Company to the State of Louisiana", dated July 8, 2002, and recorded July 11, 2002, in the conveyance records of Vermilion Parish, bearing entry number 20208337.

Acts 2004, No. 613, §2, eff. Jan. 1, 2005.

§799.3. White Lake Property Fund

A. Effective January 1, 2005, there shall be established in the state treasury, as a special fund within the Louisiana Wildlife and Fisheries Conservation Fund, the White Lake Property Fund, hereinafter referred to as the "fund". After allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit to the fund all of the following:

(1) All revenues received by the state derived from agricultural leases and from mineral revenues from royalty payments, bonus payments, and rentals from the properties owned by the state in and around White Lake, located in Vermilion Parish which were donated to the state in "Act of Donation by BP America Production Company to the State of Louisiana", dated July 8, 2002, and recorded July 11, 2002, in the conveyance records of Vermilion Parish, bearing entry number 20208337, hereinafter referred to as the "White Lake Property".

(2) All fees charged by the Louisiana Wildlife and Fisheries Commission or the Department of Wildlife and Fisheries for use of the White Lake Property.

(3) All monies received by the state and derived from any sale of assets produced by the White Lake Property.

(4) All donations of private funds or public contributions made to the state, commission, department, or board for the conservation, administration, control, management, development, or operation of the White Lake Property or the activities conducted thereon.

B. The monies in the fund shall be invested by the state treasurer in the same manner as the state general fund and the interest earned on the investment of these monies shall be credited to the fund, after compliance with the requirements of Article VII, Section 9(B) of the constitution, relative to the Bond Security and Redemption Fund. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

C. The monies in the fund shall be available only for the operation, maintenance, administration, control, management, or enhancement of the White Lake Property and to enhancement of the White

Lake Property and to promote its wildlife and ecosystem conservation and for education and research purposes associated directly with the White Lake Property.

D. The monies in the fund shall be appropriated only for the purposes set forth in Subsection C of this Section. The legislature shall make no appropriation from the fund which is inconsistent with the recommendations of the White Lake Property Advisory Board.

Acts 2004, No. 613, §2, eff. Jan. 1, 2005.

§799.4. White Lake Property Advisory Board

A. There is hereby created the White Lake Property Advisory Board within the Department of Wildlife and Fisheries, which shall be domiciled in East Baton Rouge Parish.

B. The board shall be composed of members appointed by the governor, subject to confirmation by the Senate, from nominations submitted as follows:

(1) Three members shall be appointed from a list of nominees submitted by the following:

- (a) Two nominees submitted by Ducks Unlimited.
- (b) Two nominees submitted by Delta Waterfowl.
- (c) Two nominees submitted by the Louisiana Nature Conservancy.
- (d) Two nominees submitted by the Louisiana Wildlife Federation.
- (e) Two nominees submitted by the Louisiana Ornithological Society.
- (f) Two nominees submitted by the Sierra Club.

(2) Three members shall be appointed from a list of nominees submitted by the following:

(a) Two nominees submitted by the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College.

(b) Two nominees submitted by the Board of Supervisors of the Southern University and Agricultural and Mechanical College.

(c) Two nominees submitted by the Board of Supervisors of the University of Louisiana System.

(3) One member appointed from a list of two nominees submitted by the Vermilion Parish Police Jury.

(4) Two members appointed from a list of four nominees submitted by the BP America Production Company.

(5) One member appointed from a list of two nominees, not members of the legislature, submitted by the speaker of the Louisiana House of Representatives.

(6) One member appointed from a list of two nominees, not members of the legislature, submitted by the president of the Louisiana Senate.

(7) One member appointed at large.

(8) One member who shall be a resident of Ward 8 of Vermilion Parish.

(9) One member appointed from a list of two nominees submitted by the Vermilion Parish School Board.

C. Three members of the board shall at all times be residents of Vermilion Parish. All members appointed to the board shall serve at the pleasure of the governor. Vacancies shall be appointed in the same manner as provided for the vacant member.

D. A minimum of seven of the members of the board shall have expertise in scientific disciplines pertinent to the management and conservation of the natural resources found on the White Lake Property.

E. The secretary of the Department of Natural Resources and the secretary of the Department of Wildlife and Fisheries shall serve as ex officio, nonvoting members of the board.

F. The board shall select from its members a chairman, vice chairman, secretary, and treasurer. The board shall adopt rules, in accordance with the Administrative Procedure Act, for the orderly transaction of business and shall keep a record of its resolutions, transactions, and other business. A majority of the individuals appointed to the board shall constitute a quorum.

G. The members of the board shall serve without compensation, and shall not be eligible to engage in the taking of fish and game resources or other recreational activities on the White Lake Property at times and places when these activities are not also available to the general public.

H. Meetings of the board shall be held at a time and place as determined by the chairman or when requested by a majority of the board members, provided that the board shall meet no less than twice annually. Notices of all meetings of the board, together with an agenda of the business to come before the board, shall be provided to the public. The board shall be subject to the Open Meetings Law (R.S. 42:11 et seq.) and the Public Records Law (R.S. 44:1 et seq.).

I. The board may solicit and accept gifts and donations for the purposes set forth in R.S. 56:799.3(A)(4), to be deposited in and credited to the White Lake Property Fund.

J. The treasurer shall provide for full and accurate financial records to be maintained and the financial records of the board shall be subject to annual audit by the legislative auditor.

K. Concerning the White Lake Property, the board shall advise the Louisiana Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries regarding:

(1) Administration, control, and management.

(2) Proper operation, management, and supervision of all activities consistent with the "conservation purposes" stated in the act of donation and subject to all of the other terms and conditions of the act of donation.

(3) Development and implementation of a conservation management plan consistent with the "conservation purposes" in the act of donation.

(4) Establishment and maintenance of a biodiversity wetlands center to be named the "BP Wetlands Center".

(5) Ensuring the protection of the natural resources.

(6) Preserving, protecting, and promoting the biological diversity.

(7) Undertaking land and water management projects that enhance or restore natural wetland and upland habitats.

(8) Promoting environmental education and research.

Acts 2004, No. 613, §2, eff. Jan. 1, 2005; Acts 2005, No. 106, §1; Acts 2008, No. 221, §1, eff. June 16, 2008.

§799.5. Commission duties and responsibilities

In addition to duties, responsibilities, and powers provided by the constitution and statutory law and consistent with the recommendations of the board, the commission:

(1) Shall establish a conservation management plan for the White Lake Property.

(2) May authorize the conduct of lottery hunts on the White Lake Property by the department or through a cooperative endeavor agreement.

Acts 2004, No. 613, §2, eff. Jan. 1, 2005.

§799.6. Department duties and responsibilities; powers

A. In addition to duties, responsibilities, and powers otherwise provided by law and consistent with the recommendations of the board, the department shall administer, control, and manage the White Lake Property.

B. Subject to recommendations by the board, the department may enter into cooperative endeavor agreements to fulfill its duties and responsibilities under this Subpart. Each such agreement shall be subject to review by the Joint Legislative Committee on the Budget.

Acts 2004, No. 613, §2, eff. Jan. 1, 2005.

SUBPART J. TIMBER ON DEPARTMENT OF WILDLIFE AND FISHERIES LAND

§800. Timber management, lease, or sale

The secretary shall have the authority, power, and duty to manage the timber on land owned by the state that is under the jurisdiction of the department, including but not limited to the timber on any wildlife refuge, game preserve, wildlife management area, and public hunting ground. The secretary shall have the authority and power to negotiate and enter into agreements for the management, lease, or sale of such timber with public or private persons, firms, corporations, or organizations, including the authority and power to establish the price, terms of contract, and other conditions necessary for the management, lease, or sale of such timber.

Acts 1984, No. 764, §1, eff. July 13, 1984.

NOTE: See Section 4 of Acts 1984, No. 408 for a Limited Repeal of R.S. 56:800.

PART II. PARTICULAR STATE GAME AND FISH PRESERVES AND SANCTUARIES

§801. Particular game and fish preserves and commissions recognized and continued

The following preserves and commissions created by the enumerated special statutes, are continued in full force and effect within the Department of Wildlife and Fisheries:

(1) *Repealed by Acts 1981, No. 422, §2; Acts 1981, No. 490, §1; Acts 1981, No. 858, §5, eff. Jan. 1, 1982.*

(2) Bayou Bonnie Idee Game and Fish Preserve (Acts 1952, No. 248; Acts 1966, No. 455; Acts 1977, No. 222, §1).

(3) Bayou Pierre State Game and Fish Preserve (Acts 1934, No. 139; Acts 1946, No. 382; Acts 1977, No. 222, §1).

(4) Beauregard Old River Fish and Game Preserve (Acts 1958, No. 266; Acts 1966, No. 455; Acts 1977, No. 222, §1).

(5) Black Bayou Game and Fish Preserve (Acts 1940, No. 39; Acts 1952, No. 489; Acts 1977, No. 222, §1).

(6) Bundicks Game and Fish Preserve (Acts 1956, No. 33; Acts 1966, No. 455; Acts 1977, No. 222, §1).

(7) Catahoula Lake Game and Fish Preserve (Acts 1952, No. 320; Acts 1966, No. 455; Acts 1974, No. 434; Acts 1977, No. 222, §1).

(8) Cheniere Brake Fish Preserve (Acts 1940, No. 88; Acts 1977, No. 222, §1).

(9) Cocodrie Lake Game and Fish Preserve (Acts 1957, No. 38; Acts 1966, No. 455; Acts 1977, No. 222, §1).

(10) Concordia Lake Game and Fish Preserve (Acts 1974, No. 434; Acts 1977, No. 222, §1).

(11) Cornie Lake Game and Fish Preserve (Acts 1934, No. 190; Acts 1977, No. 222, §1).

(12) Hard Water State Game and Fish Preserve (Acts 1968, No. 560; Acts 1977, No. 222, §1).

(13) Iatt Lake Game and Fish Preserve (Acts 1940, No. 27; Acts 1962, No. 244; Acts 1977, No. 222, §1).

(14) Lake Bistineau State Game and Fish Preserve (Acts 1930, No. 43; Acts 1942, No. 64; Acts 1969, No. 152; Acts 1977, No. 222, §1).

(15) Lake Catherine and Lake Pontchartrain Sanctuary (Acts 1954, No. 476; Acts 1956, No. 352; Acts 1960, No. 515; Acts 1977, No. 222, §1).

(16) Lake Field Game and Fish Preserve (Acts 1966, No. 379; Acts 1977, No. 222, §1).

(17) *Repealed by Acts 1995, No. 1262, §1.*

(18) Nantachie Lake State Game and Fish Preserve (Acts 1966, No. 440; Acts 1977, No. 222, §1).

(19) ¹Northwest Louisiana Game and Fish Preserve Commission (Acts 1926, No. 191; Acts 1928, No. 69; Acts 1938, No. 294; Acts 1946, No. 120; Acts 1948, No. 307; Acts 1966, No. 455; Acts 1976, No. 105; Acts 1977, No. 222, §1; Acts 1977, No. 303).

(20) St. Martin-Lafayette Game and Fish Commission (Acts 1950, No. 337; Acts 1966, No. 455; Acts 1970, No. 390; Acts 1977, No. 222, §1).

(21) Saline Lake Game and Fish Preserve (Acts 1976, No. 105; Acts 1977, No. 222, §1).

(22) Spanish Lake State Game and Fish Preserve (Acts 1940, No. 261; Acts 1946, No. 226; Acts 1960, No. 462; Acts 1966, No. 455; Acts 1977, No. 222, §1; Acts 1997, No. 21, §2, repealed the commission).

(23) Turkey Creek Game and Fish Preserve (Acts 1938, No. 159; Acts 1963, No. 94; Acts 1977, No. 222, §1).

(24) West Atchafalaya Floodway Game and Fish Management Preserve (Acts 1960, No. 565; Acts 1962, No. 478; Acts 1977, No. 222, §1).

Acts 1995, No. 1262, §1; Acts 1997, No. 21, §2.

¹*See Acts 1990, No. 539, §1.*

§802. Responsibilities and duties

The department shall have the duty and responsibility for the management of resources, including water level control, aquatic weed control, and maintenance and repair of dams, control structures, and spillways within the territorial jurisdiction of each commission established in R.S. 56:801, provided that no local commission or authority is providing these services. The individual game and fish preserves and commissions or local governing authorities shall have the duty and responsibility for maintaining all support services within their territorial jurisdiction, including parks, picnic areas, and concessions.

Added by Acts 1982, No. 728, §1.

§803. Lake Pontchartrain State Bird Sanctuary

A. In the following described area of Lake Pontchartrain, the waters and the air column above such waters are hereby designated and declared the Lake Pontchartrain State Bird Sanctuary:

(1) From the north shore of Lake Pontchartrain, one mile south along the Lake Pontchartrain Causeway and one-half mile east and west of the causeway in such area.

(2) From the south shore of Lake Pontchartrain, one mile north along the Lake Pontchartrain Causeway and one-half mile east and west of the causeway in such area.

B. All species of birds shall be protected within the Lake Pontchartrain State Bird Sanctuary. No person shall catch, kill, injure, pursue, possess, sell, or purchase any species of bird or the eggs or nest of any species of bird within the sanctuary.

C.(1) The department shall administer the sanctuary and shall cause markers to be erected at appropriate intervals around the periphery of the sanctuary to warn all persons against trespassing upon the sanctuary.

(2) Notwithstanding any other provisions of this Section to the contrary the department is authorized to enter into an intergovernmental agreement with the governing authority of Jefferson Parish. The intergovernmental agreement shall provide for the transfer of the responsibility for the administration, development, and enhancement of the bird sanctuary affecting the area around the south shore of Lake Pontchartrain, as described in this Section, to the parish. The department is authorized to terminate the agreement at such time as the governing authority of Jefferson Parish is either unable or unwilling to continue in its responsibility for the administration of the south Lake Pontchartrain bird sanctuary.

D. Violation of the provisions of this Section constitutes a class two violation.

Acts 1990, No. 393, §1; Act 1991, No. 599, §1, eff. July 16, 1991.

§804. Lake Catherine and Lake Pontchartrain Sanctuary

A. There is hereby created the Lake Catherine and Lake Pontchartrain Sanctuary for fish, shrimp, and other seafood and marine life, to be comprised of the waters of Lake Catherine, and its passes, the Rigolets, Unknown Pass, and Chef Menteur, and that portion of Lake Pontchartrain as follows: the whole area from where the Rigolets and Chef Menteur Passes enter Lake Pontchartrain extending in a westerly direction to a point one and one-quarter miles west of the Southern Railway Bridge, being all of Lake Pontchartrain and its tributaries lying east of the Southern Railway Bridge, and all that portion of Lake Pontchartrain extending out one and one-quarter miles from shore along the Orleans Parish shoreline to the Jefferson-Orleans Parish line, and that area of Lake Pontchartrain along the north shore extending out one and one-quarter miles from shore and running from the Southern Railway Bridge to a line drawn between a point one and one-quarter miles southwest of Goose Point and Goose Point.

B. The taking of fish, shrimp, and other seafood from the waters of the Lake Catherine and Lake Pontchartrain Sanctuary by use of trawls, skimmer nets, butterfly nets, seines, or traps or other netting, with the exception of cast nets, drop nets, or scoop nets, is hereby prohibited. However, nothing in this Section shall be construed to prohibit the spearing of fish by any skin diver, operating for sport, while submerged in the water, and using standard underwater spearing equipment.

C. The taking of legal catfish by means of legal hoop nets or legal slat traps in the sanctuary is authorized. The use of crab traps in the sanctuary is authorized. The use of legal trawls, skimmer nets, and butterfly nets is authorized in open seasons in the area of the sanctuary located south and east of the Interstate 10 bridge.

D. The sanctuary created herein shall be administered by the Fish and Game Section of the Wildlife and Fisheries Commission or its successors.

E. Fish, shrimp, and other seafood and marine life may be caught or taken from the waters of the sanctuary by any method other than those prohibited above, including by skin divers operating for sport, while submerged in the water, and using standard underwater spearing equipment, during the seasons and in accordance with regulations now or hereafter prescribed by the legislature or by the Department of Wildlife and Fisheries of the state of Louisiana appertaining to these waters or to the other waters of the state generally.

F. Any violation of any provision of this Section shall be punishable by a fine of not less than two hundred fifty dollars nor more than five hundred dollars or imprisonment for not more than sixty

days, or both. In addition, any gear or catch seized in connection with the violation shall be forfeited.

Acts 1999, No. 892, §1; Acts 2007, No. 296, §1.

PART III. COASTAL LAND STEWARDSHIP AUTHORITY

§901. Coastal Land Stewardship Authority

A. There is hereby created the Coastal Land Stewardship Authority, hereinafter referred to as the "authority", within the Department of Wildlife and Fisheries.

B. The authority is established to provide for management and administration of certain immovable properties, servitudes, and easements acquired by the state in connection with the development, design, and implementation of coastal conservation, restoration and protection plans and projects in a manner determined appropriate by the Coastal Protection and Restoration Authority and consistent with any agreements entered into between the Coastal Protection and Restoration Authority and the federal government.

C. The authority shall be administered by a board of directors composed of nine members as follows, who shall serve without compensation or per diem:

- (1) The secretary of the Department of Wildlife and Fisheries or his designee.
- (2) The public lands administrator or his designee.
- (3) The executive assistant to the governor for coastal activities or his designee.
- (4) The secretary of the Department of Transportation and Development or his designee.
- (5) The secretary of the Department of Natural Resources or his designee.
- (6) The secretary of the Department of Culture, Recreation and Tourism or his designee.
- (7) The commissioner of agriculture and forestry or his designee.
- (8) The chairman of the House Committee on Natural Resources and Environment or his designee.
- (9) The chairman of the Senate Committee on Natural Resources or his designee.

D. The secretary of the Department of Wildlife and Fisheries shall serve as chairman of the board of directors of the authority. The board shall select from its members a secretary and treasurer.

E. Meetings of the board of directors of the authority shall be held at a time and place as determined by the chairman or when requested by a majority of the directors, provided that the board shall meet at least twice a year. Notices of all meetings of the board, together with an agenda of the business to come before the board, shall be provided to the public. The authority shall be subject to the Open Meetings Law (R.S. 42:11 et seq.) and the Public Records Law (R.S. 44:1 et seq.). A majority of the members of the board of directors of the authority shall constitute a quorum.

F. On behalf of the authority, the board of directors shall:

- (1) Accept surface ownership and surface easements to facilitate the implementation of coastal protection and restoration projects.
- (2) Accept donations of coastal wetlands and barrier islands.

(3) Manage or designate an appropriate state agency or contract with a nonprofit land conservation organization to manage such acquired property in a manner that is consistent with and that supports the state's master plan for coastal protection and restoration.

(4) Determine and provide for public and private uses of such property that are consistent with the conservation and sustainable use of such property, compatible with the state's master coastal protection and restoration plan, and maximize opportunities for public uses within those constraints. When a transfer of property contains a reservation of mineral rights, access to and use of the property for exercise of the reserved mineral rights shall be ensured by the authority to the full extent provided for in the act of transfer.

G. The directors of the authority shall adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act to carry out the provisions of this Section. Notwithstanding any provisions of the Administrative Procedure Act to the contrary, the rules and regulations shall be submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources for legislative oversight.

H. The directors of the authority shall submit to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources an annual report detailing the acquisitions received by the state pursuant to this Section.

Acts 2008, No. 548, §2.

CHAPTER 3. WATER CONTROL

§1431. Bayou Liberty; clearing; expropriation prohibited

A. Bayou Liberty, from its intersection with U.S. Highway 190 south to its intersection with Louisiana Highway 433 in St. Tammany Parish, may need periodic clearing of debris to ensure the free flow of water through the waterway in order to maintain its scenic and historic beauty and to assist in flood control efforts. Such clearing efforts shall take place only in that portion of the bayou from the center of the waterway to the low watermark on the banks without channelization, and without affecting any marsh or any live cypress or other trees below the low watermark. In addition, all clearing that may be necessary to maintain an open channel shall be performed only through the use of water-based equipment except in that portion of the bayou lying directly under or within one hundred feet of a point directly under the Tammany Trace foot bridge over Bayou Liberty, which portion of the channel may be cleared by other means.

B. Notwithstanding any provision of law to the contrary, no property abutting that portion of Bayou Liberty from U.S. Highway 190 south to Louisiana Highway 433 shall be expropriated by the state, a political subdivision or a public or private entity for any purpose.

C. Should any or all provisions of Subsection B herein be declared unenforceable by final judgment, notwithstanding any provision of law to the contrary, no public funds of the state, political subdivision or other public entity shall be used to expropriate property abutting that portion of Bayou Liberty from U.S. Highway 190 south to Louisiana Highway 433.

D. Should any or all provisions of Subsection B herein be declared unenforceable by final judgment, no property abutting that portion of Bayou Liberty from U.S. Highway 190 south to Louisiana Highway 433 shall be expropriated by the state, a political subdivision or a public or private entity unless the court finds that great public loss or inconvenience will result if the expropriation does not occur.

E. Subject to conditions stated herein, the Department of Natural Resources is hereby authorized to purchase property along that portion of Bayou Liberty from its headwaters to U.S. Hwy. 190 to

be used as conservation easements. The purchase of property for conservation easements shall only be authorized if and when funding for such purchase is appropriated for that purpose by the legislature.

F. The provisions of this Section shall supersede and control to the extent of any conflict with any other provision of law. It is the intent of the Legislature of Louisiana that the property referenced in this Section be maintained and protected without expropriation for the present and future benefit of Louisiana citizens.

Acts 1999, No. 499, §1.

§§1432 to 1464.4. *Repealed by Acts 1979, No. 449, §5, eff. Jan. 1, 1980.*

CHAPTER 4. FORESTS AND FORESTRY

§§1471 to 1584. *Redesignated as R.S. 3:4271-4384 pursuant to R.S. 24:253.*

CHAPTER 5. EXPLOITATION OF NATURAL RESOURCES

§1621. Exploitation of natural resources by director or employees prohibited; removal or dismissal for violation; application

A. Neither the director of the Wildlife and Fisheries Commission, the state forester, nor any salaried officer or employee of the wildlife and fisheries commission or of the forestry commission shall be:

- (1) Actively interested in the exploiting, for personal gain, of any natural resources of the state;
- (2) Employed by any person engaged in exploiting any natural resources of the state; or
- (3) An officer of or a member of the board of directors of any corporation engaging in the exploitation of natural resources of the state.

B. Violation of this section shall be a ground for removal from office or dismissal from employment.

C. Classified employees of the Wildlife and Fisheries Commission or the Department of Wildlife and Fisheries may engage in an activity described in Subsection A, provided that the activity is not prohibited by other law and is approved by the director of the Wildlife and Fisheries Commission.

Amended by Acts 1974, No. 717, §1; Acts 2004, No. 836, §1, eff. July 12, 2004.

§1622. Forfeitures of all rights, property, money, or things of value acquired

Any violation of the provisions of R.S. 56:1621 shall ipso facto operate as an immediate forfeiture to the state of all rights, property, money, or things of value acquired, in violation thereof, from, upon, under, or out of property privately owned or leased or property owned or leased from the state or any property owned by or leased from any municipality or public board, body, commission, or agency of the state. The rights of the state respecting such forfeitures is imprescriptible.

§1623. Transfer of rights or property acquired in violation of R.S. 56:1621

Any sale, lease, exchange, transfer, or assignment by any of the persons mentioned in R.S. 56:1621 of any rights, property, or things of value acquired in violation of that Section shall be null and void ab-initio.

CHAPTER 6. PARKS

PART I. PARKS AND RECREATION COMMISSION; OFFICE OF STATE PARKS

§1681. Creation; purpose and duties; members; appointments and terms; compensation; chairman; meetings

A.(1) The State Parks and Recreation Commission is hereby created. The purpose of the commission is to promote the goals and objectives of the office of state parks and act in an advisory capacity to that office and its assistant secretary and the secretary of the department in matters relating to parks, recreation facilities, programs, and the efficient administration thereof. It shall also cooperate with the political subdivisions of the state when officially requested.

(2) The commission shall be composed of eighteen members, as follows:

(a) The governor or his designee.

(b) The secretary of the Department of Wildlife and Fisheries or his designee.

(c) One member to be appointed by the governor from a panel of four members nominated by the Louisiana Garden Club Federation, Inc.

(d) One member to be appointed by the governor from a panel of four members nominated by the General Federation of Women's Clubs of Louisiana, Inc.

(e) Four members to be appointed by the governor from a panel of eight names submitted by the Louisiana Recreation and Parks Association.

(f) Four members, at large, to be appointed by the governor, at least two of whom shall be members of a minority.

(g) One member to be appointed by the governor from a panel of four names submitted by the Louisiana Municipal Association.

(h) One member to be appointed by the governor from a panel of four names submitted by the Louisiana Police Jury Association.

(i) One member to be appointed by the governor from a panel of four names submitted by the Louisiana Nature Conservancy.

(j) The assistant commissioner of the office of forestry of the Department of Agriculture and Forestry or his designee.

(k) One member to be appointed by the governor from a panel of four names submitted by the Louisiana Preservation Alliance.

(l) One member to be appointed by the governor from a panel of four names submitted by the Foundation for Historical Louisiana.

(3) Each appointment by the governor shall be submitted to the Senate for confirmation.

B.(1) Each appointive member shall serve a term concurrent with that of the governor making the appointment. An appointive member shall continue to serve until his successor is appointed and takes office. A vacancy shall be filled in the manner of the original appointment within sixty days, except that the nominating group shall submit a list of three names from which the appointment shall be made from among the membership. The qualification requirements for appointment of each member to the commission shall remain in effect for the duration of such appointment. In the event a member, after appointment, should fail to maintain the qualifications or classification of his original appointment, that member shall resign or be removed and shall be replaced with a member possessing the proper qualifications and classifications.

(2) The members shall be persons who have displayed an active interest in, and knowledge of, the work which falls under the jurisdiction of the commission. Each member of the commission shall receive a per diem of twenty-five dollars for each day of attendance at meetings of the commission and upon approval of the secretary of the Department of Culture, Recreation and Tourism shall receive actual and necessary expenses incurred in the performance of official duties. The commission shall elect its chairman from among its members for a two-year term. The commission shall have no power granted in this Chapter, unless and until, at least one person shall have been appointed thereto who is of a minority race, and one person shall have been appointed who is a woman.

C. The chairman shall convene regular quarterly meetings. Members shall not be paid for more than four meetings a year. Special meetings shall be held on the call of the chairman, or on request of a majority of the members. Any ten members of the commission shall constitute a quorum for the transaction of any and all business at any regular or special meeting. In the absence of the chairman, the remaining members shall appoint a temporary chairman having all the powers of the absent chairman.

Acts 1980, No. 826, §1, eff. Aug. 1, 1980; Acts 1980, No. 827, §1. Amended by Acts 1981, No. 60, §§1, 2; Acts 1988, No. 727, §1, eff. July 15, 1988; Acts 1991, No. 942, §1; Acts 1997, No. 80, §1; Acts 2004, No. 789, §2; Acts 2010, No. 9, §1; Acts 2010, No. 551, §1.

§1682. Office of state parks; purpose

The office of state parks is hereby authorized and directed to have as its purpose service to the people of Louisiana and their visitors by:

- (1) Preserving and protecting natural areas of unique or exceptional scenic value.
- (2) Establishing and operating parks that provide recreational use of natural resources and facilities for outdoor recreation in natural surroundings.
- (3) Portraying and interpreting plant and animal life, geology, and all other natural features and processes included in the various state parks.
- (4) Preserving, protecting, and portraying historic and scientific sites of statewide importance.
- (5) Performing functions of the state relating to outdoor recreation development and trails, as provided in part by Chapter 7 of this Title.

Acts 1980, No. 827, §1. Amended by Acts 1982, No. 329, §2, eff. July 18, 1982.

§1683. Office of state parks; authority to classify

The office of state parks is hereby authorized to maintain a system for classifying all holdings within its jurisdiction. Such classification system will provide objectives which will encompass preservation, commemoration, and recreation as identified in the statement of purpose in R.S. 56:1682.

Acts 1980, No. 827, §1.

§1684. Categories of classification

Each office of state parks holding will be identified and operated according to the basic purpose for which it is established and will be selected, operated and identified according to the following classification categories and the criteria thereof:

A. "State preservation areas" are those areas of exceptional scenic value which, because of their unique characteristics, should be preserved for current and future enjoyment. "Exceptional scenic value" refers to rare natural scenery unlikely to be preserved if the property remains in the ownership of private citizens and which is sufficiently distinctive to attract and interest people from all parts of the state.

The criteria for selection of areas to be designated state preservation areas shall be:

(1) Size: A state preservation area must be of sufficient size to allow preservation of major features of the park and the use of the features by the visitors. In either case, the inclusive area must be large enough to:

(a) Completely include the scenic natural or ecological features which the area was established to protect.

(b) Provide sufficient buffer area against outside disturbances and encroachments.

(c) Provide an undisturbed habitat for native wildlife; and

(d) Permit the development of public use areas, if these can be developed without impairing the scenic, natural, or ecological features of the area.

All state preservation areas must adhere to an absolute minimum size standard of five hundred acres or preferred minimum standard of one thousand acres. The secretary of the Department of Culture, Recreation and Tourism shall determine in each case which minimum standard will be applicable.

(2) Location and accessibility: A state preservation area will be selected exclusively on the basis of preservation, desirability of the unique natural features without principal regard to geographic distribution, proximity to population centers or accessibility.

The office of state parks shall adopt policies for governing development, management, and visitor use of state preservation areas, and such policies shall be consistent with the basic purpose of such areas as herein identified.

B. "State preservation sites" are smaller equivalents of a state preservation area established primarily to preserve a unique natural feature of ecological or scientific interest.

The criteria for selection of areas to be designated state preservation sites shall be:

(1) Size: A state preservation site shall be large enough to encompass the feature to be preserved and to provide a buffer sufficient to adequately protect that feature.

(2) Location and accessibility: A state preservation area will be selected exclusively on the basis of preservation, desirability of the unique natural features without principal regard to geographic distribution, proximity to population centers or accessibility.

The office of state parks shall adopt policies governing development, management, and visitor use of state preservation sites, and such policies shall be consistent with the basic purpose of such areas as herein identified.

C.(1) "State historic sites" are those areas which when evaluated on a statewide basis possess historical, cultural, or memorial significance. The principal function of a state historic site shall be to preserve and maintain a specific historical, cultural, or memorial theme.

(2) The criteria for selection of an area to be designated a state historic site shall be:

(a) Size: A state historic site will be of sufficient size to encompass the area or feature being commemorated or to adequately commemorate the event, feature, or culture for which the area is established, or both. Sufficient buffer will be established to minimize any encroachments which may impair the historical values and inhibit public use and appreciation of the area.

(b) Location and accessibility: A state historic site will be located within the environment of the event, feature, culture, or memorial which it represents.

(3) The office of state parks shall adopt policies governing development, management, and visitor use of state historic sites. Such policies shall be consistent with the basic purpose of such areas as herein defined.

D. "State parks" are natural areas which, when evaluated on a statewide basis, possess outstanding potential for recreation utilization. The natural area must possess outstanding scenic and natural qualities to provide a recreation opportunity of high quality in a natural setting.

The criteria for the selection of areas to be designated as state parks shall be:

(1) Size: A state park shall be of sufficient size to insure efficient operation and maintenance of its recreation facilities and have sufficient buffer to preserve the natural integrity of the area.

All state parks, except those currently within the system, must adhere to an absolute minimum size standard of two hundred and fifty acres and preferred minimum size standard of four hundred acres. The secretary of the Department of Culture, Recreation and Tourism will determine in each case which minimum standard will be applicable.

(2) Location and accessibility: A state park will be located in such a way as to take advantage of natural and man-made resources offering opportunities for recreation in a natural setting and shall be located sufficiently near population centers. Further, the office of state parks shall adopt policies governing the location of state parks in proximity to incorporated municipalities.

The office of state parks shall adopt policies governing development, management, and visitor use of state parks, and such policies shall be consistent with the basic purpose of such areas as herein identified.

E. "State experimental sites" shall be natural areas developed for experimentation or training of park personnel, or both, and for the study of innovative concepts, facilities, and activities which may be applicable to the function and program of the office of state parks.

The criteria for the selection of areas to be designated as state experimental sites are:

(1) Size: A state experimental site shall be of sufficient size to allow for development of a "typical" state park or for trial uses of innovative facilities and concepts.

(2) Location and accessibility: A state experimental site should be located near to and easily accessible from the office of state parks administrative office.

The office of state parks shall adopt policies governing development, management, and visitor use of state experimental sites, and such policies shall be consistent with the basic purpose of such areas as herein identified.

Acts 1980, No. 827, §1; Acts 1999, No. 709, §3.

§1684.1. Cypremort Point State Park; design standards; applicability

A. Notwithstanding any other provision of law to the contrary, no rule or regulation of the office of state parks regulating design and aesthetic quality standards, construction, or usage of facilities at state parks shall be applicable to the development, planning, and construction of facilities in Cypremort Point State Park without the review of the oversight committee as provided for in Subsection B of this Section. However any such plans shall be approved by the lieutenant governor prior to commencing any development or construction.

B. An oversight committee comprised of the state representatives and state senators representing the parishes of St. Mary and Iberia, or their designees, and the parish presidents of the parishes of St. Mary and Iberia, or their designees, shall review the proposed plans before any construction begins as provided in Subsection A of this Section.

Acts 1999, No. 1028, §1.

§1685. Classification of holdings

A. The office of state parks shall classify all holdings according to the classification most closely representing their character or potential use, or both. The official names of each existing and future office of state parks holding will include the classification term representing its function and basic purpose. In the event one holding represents several classification functions, the dominant function will determine the primary classification, and the name will represent this consideration.

B. The following office of state parks holdings are hereby recognized and designated state historic sites, and all official reference shall include "State Historic Site" as part of the official name. The office of state parks shall have authority to structure each individual name; however, each name shall end with the term "State Historic Site":

- (1) Fort Pike
- (2) Audubon
- (3) Fort DeRussy
- (4) Longfellow-Evangeline
- (5) Marksville
- (6) Kent House
- (7) Fort Jesup
- (8) Mansfield
- (9) Poverty Point
- (10) Port Hudson
- (11) Locust Grove
- (12) Earl K. Long
- (13) Fort Macomb
- (14) Fort Livingston
- (15) Centenary
- (16) Clinton Confederate
- (17) Fort St. Jean Baptiste
- (18) Jackson Confederate
- (19) Los Adaes
- (20) Plaquemine Lock
- (21) Rebel
- (22) Winter Quarters
- (23) Huey P. Long Boundary marker
- (24) Rosedown Plantation
- (25) Watson Brake

C. The following office of state parks holdings are hereby recognized and designated state parks, and all official reference shall include "State Park" as part of the official name. The office of state parks shall have authority to structure each individual name; however, each name shall end with the term "State Park":

- (1) Fontainebleau
- (2) Fairview-Riverside
- (3) Chicot
- (4) Sam Houston Jones
- (5) Lake Bistineau
- (6) Lake Claiborne
- (7) Lake Bruin
- (8) Chemin-A-Haut

- (9) Grand Isle East
- (10) St. Bernard
- (11) Lake D'Arbonne
- (12) Cypremort Point
- (13) Grand Isle West
- (14) Tickfaw
- (15) Lake Fausse Pointe
- (16) Larto Lake
- (17) North Toledo Bend
- (18) South Toledo Bend
- (19) Bayou Segnette
- (20) Jimmie Davis
- (21) Palmetto Island
- (22) Bogue Chitto
- (23) C. Bickham Dickson
- (24) Poverty Point Reservoir
- (25) Slidell
- (26) Vardie Parsons

D. The following office of state parks holdings are hereby recognized and designated state preservation areas, and all official reference shall include "State Preservation Area" as part of the official name. The office of state parks shall have authority to structure each individual name; however, each name shall end with the term "State Preservation Area":

- (1) Coochie Brake
- (2) Tunica Hills
- (3) Cheniere-Au-Tigre
- (4) Louisiana State Arboretum
- (5) Atchafalaya Wilderness Center
- (6) Big Cypress

E. *Repealed by Acts 2004, No. 389, §2.*

Acts 1980, No. 827, §1; Amended by Acts 1981, No. 214, §1, eff. July 20, 1981; Acts 1981, No. 649, §1, eff. July 20, 1981; Acts 1982, No. 511, §3; Acts 1983, No. 64, §1; Acts 1987, No. 260, §2; Acts 1988, No. 326, §3, eff. July 7, 1988; Acts 1988, 2nd Ex. Sess., No. 1, §4, eff. Oct. 13, 1988; Acts 1990, No. 548, §1; Acts 1993, No. 507, §3, eff. July 1, 1993; Acts 1999, No. 709, §3; Acts 2003, No. 345, §1; Acts 2004, No. 389, §§1, 2.

§1685.1. Gary James Hebert Memorial Lockhouse

The lockhouse which is located within the Plaquemine Lock State Historic Site, heretofore known as the Plaquemine Lockhouse, is hereby designated and shall hereafter be known as the Gary James Hebert Memorial Lockhouse.

Acts 1995, No. 27, §1; Acts 1999, No. 709, §3.

§1685.2. J. D. "Prof" Lafleur Visitor Center at the Louisiana State Arboretum

The visitor center located at the Louisiana State Arboretum State Preservation Area is hereby designated and shall hereafter be known as the J. D. "Prof" Lafleur Visitor Center.

Acts 2008, No. 238, §1.

§1686. Use of terms prohibited

The office of state parks classification terms, with the exceptions of state experimental site and special holdings, represent specific types and qualities of office of state parks holdings and therefore all use of such terms in any official name of public or private lands or holdings is prohibited except when approved by the secretary of the Department of Culture, Recreation and Tourism and when such areas meet the classification criteria as identified in R.S. 56:1684.

Acts 1980, No. 827, §1.

§1687. Secretary, Department of Culture, Recreation and Tourism; powers

The secretary of the Department of Culture, Recreation and Tourism may:

(1) Accept from any person, corporation, association, or other entity, municipal, state, or federal government, or from any other agency, gifts, contributions, bequests, or donations of money or other personal property, lands, water bottoms, or other immovable property to be expended or used for establishing, developing, improving, or maintaining any office of state parks holding.

(2) Enter into agreement with the federal government or any other agency, or both, for acquiring by lease, purchase, or otherwise, such lands as are desirable for office of state parks holdings.

(3) Acquire in the name of the state by purchase, lease, agreement, expropriation or otherwise, any lands or water bottoms deemed necessary or desirable for the most orderly development or improvement of office of state parks holdings.

(4) Construct and maintain canals and ditches, through any lands of private individuals or corporations, sufficient to properly drain any office of state parks holding; the right of way for such canals and ditches may be acquired in the same manner as lands or water bottoms for office of state parks holdings.

(5) When lands are acquired or leased under this Part, make expenditures from any fund not otherwise obligated, for the management, development, and utilization of such areas, sell or otherwise dispose of products from such lands, and make any rules and regulations necessary to carry out the provisions of this Part.

(6) Sell, lease, or sublease lands under the jurisdiction of the office of state parks when he believes it advantageous to the state to do so in the most orderly development and improvement of the office of state parks holdings but only after receiving approval for such sale, lease, or sublease by the legislature of the state of Louisiana and only after publishing an advertisement in the official journal of the parish or parishes in which such land is located, setting forth a description of the lands to be sold, leased, or subleased; the time when bids therefor will be received, and a short summary of the terms, conditions, and purposes of said sale, lease, or sublease to be executed. The advertisement required by this Paragraph shall be published once a week for three different weeks in a newspaper in the locality, the first advertisement to appear at least fifteen days before the opening of bids; however, when the advertisement is published in a daily newspaper in the locality, the advertisement shall be published three times within ten days before the opening of bids. However, leases of lands to a state agency or a political subdivision of the state shall not require the advertisement provided in this Paragraph. Furthermore, the provisions of this Paragraph shall not apply to mineral leases or to leases of lands for exploration or extraction of minerals.

(7) For a public purpose, engage in cooperative endeavors with the state and its political subdivisions, or political corporations, with neighboring states in the United States, or the agencies of either, or with any public or private association, corporation or individual in matters relating to

acquiring, except by expropriation, planning, establishing, developing, improving or maintaining any park, parkway or recreational area.

(8) Construct and operate suitable public service privileges and conveniences on any office of state parks holding, and collect reasonable fees and charges for the use of such facilities.

(9) Charge a fee for the leasing of concessions or other privileges in or on an office of state parks holding. Additionally, the secretary may grant concession leases or lease rights for operating concessions on such holdings for an initial period not to exceed five years and an additional two-year period upon the option of the secretary. Such leases shall otherwise be granted in accordance with the requirements of the public bid law of the state, state procurement laws, and procedures of the Division of Administration.

(10) Exchange lands when it is necessary to do so in order to obtain other lands of value by the office of state parks. However, lands which have been incorporated as a part of an established state park shall be exchanged only after receiving approval for such exchange by the legislature of the state of Louisiana and after the advertisement provisions of R.S. 56:1687(6) have been complied with. However, exchanges of property that have been agreed to by the parties and for which written approval has been granted by the office of facility planning and control, Division of Administration, prior to the effective date of this Paragraph, shall not be required to comply with advertisement provisions of this Paragraph nor shall it require approval of the legislature. Nor shall any property that has been authorized for transfer to and used by a political subdivision through a cooperative endeavor agreement, which agreement has been executed prior to the effective date of this Paragraph, require approval of the legislature in order to effect the transfer of property.

(11) In consultation with the board of commissioners of the Poverty Point Reservoir District, make, alter, amend, and promulgate rules and regulations, in accordance with the Administrative Procedure Act, to regulate recreational uses of any body of water located wholly within Poverty Point Reservoir State Park; however, such rules and regulations shall be subject to and shall not conflict with the constitutional authority of the Louisiana Wildlife and Fisheries Commission.

Acts 1980, No. 827, §1; Acts 1985, No. 660, §2, eff. July 16, 1985; Acts 1988, No. 326, §3, eff. July 7, 1988; Acts 1988, 2nd Ex. Sess., No. 1, §4, eff. Oct. 13, 1988; Acts 2003, No. 890, §1, eff. July 1, 2003.

§1687.1. Posting of state parks' boundaries; rules and regulations

The secretary of the Department of Culture, Recreation and Tourism shall promulgate and adopt rules and regulations for the posting of boundaries of state parks, state historic sites, state preservation areas, and other lands under the jurisdiction and control of the office of state parks. Such rules and regulations shall be promulgated and adopted in accordance with the Administrative Procedure Act.

Acts 1984, No. 157, §1, eff. June 25, 1984; Acts 1999, No. 709, §3; Acts 2004, No. 388, §1.

§1687.2. Taking of mayhaw berries; rules and regulations

Any rules and regulations adopted and promulgated by the Department of Culture, Recreation and Tourism applicable to the taking or collection of mayhaw (*Crataegus aestivalis*) berries in state parks shall be subject to legislative oversight in accordance with the Administrative Procedure Act. The taking of mayhaw berries, as provided herein, shall not be subject to the Public Bid Law. Notwithstanding any other provision of law, rule, or regulation to the contrary, no person shall be charged a fee for collecting mayhaw berries in state parks, nor shall any person be limited as to the quantity of mayhaw berries that can be collected.

Acts 1991, No. 1028, §2.

§1688. Park wardens; powers and duties

A. The secretary of the Department of Culture, Recreation and Tourism may appoint competent men to serve as state park wardens.

B. State park wardens shall, in addition to the authority otherwise conferred by law upon such officers, be vested with the same authority and powers conferred by law upon regular law enforcement officers of this state while such wardens are acting within the course and scope of their duties on property subject to the jurisdiction of the Department of Culture, Recreation and Tourism, office of state parks.

C. State park wardens shall have specific authority and responsibility to enforce all rules and regulations of the Department of Culture, Recreation and Tourism, office of state parks, and all laws of the state of Louisiana, within the limits of their jurisdiction.

D. Duly commissioned state park wardens may carry concealed or exposed weapons while acting within the course and scope of their duties.

Acts 1980, No. 827, §1.

§1689. Violation of rules and regulations; penalty

In addition to any penalties otherwise provided by law, violation of any of the rules and regulations promulgated by the secretary of the Department of Culture, Recreation and Tourism shall be punishable by fine of not less than fifteen dollars nor more than two hundred fifty dollars.

Acts 1980, No. 827, §1.

§1690. Capacity to sue and be sued

Pursuant to the, Department of Culture, Recreation and Tourism, Office of State Parks, through the Secretary of sa provisions of R.S. 36:201, the office of state parks may sue and be sued, under the style "State of Louisiana id department."

Acts 1980, No. 827, §1.

§1691. Possession of firearms

A person who lawfully possesses a firearm may possess or transport such firearm within the boundaries of a state park, state historic site, state preservation area, wildlife management area, or wildlife refuge.

Acts 2010, No. 790, §1.

§1692. Exemption from entrance fees; elderly

A. Any citizen of the state of Louisiana who is identified as sixty-two years of age or older shall be exempt from paying the general admission charge to any state park in Louisiana. Any person accompanying a citizen of the state of Louisiana who is sixty-two years of age or older, as the driver of a single, private, noncommercial vehicle, or alternatively, the exempted person's spouse and children accompanying him or her where entry to the area is by any means other than private, noncommercial vehicle, shall be exempt from paying the general admission charge to any state park in Louisiana.

B. *Repealed by Acts 1995, No. 266, §2.*

Acts 1980, No. 827, §1. Amended by Acts 1981, No. 526, §1; Acts 1990, No. 868, §1; Acts 1995, No. 266, §2.

§1692.1. Fee exemption for "Golden Age Passport" holders; camp sites

Any citizen of the United States who possesses a Golden Age Passport issued by an agency of the United States pursuant to 16 U.S.C. 460 shall be permitted, upon presentation of the Golden Age Passport and proper identification to state park authorities, to camp at sites within Louisiana state parks for one-half the normal fee if an unoccupied camp site is available and if the state park system

of the citizen's domicile as reflected on his presented identification also recognizes such passes for discounted access or services.

Acts 1992, No. 124, §1; Acts 1995, No. 104, §1; Acts 1995, No. 266, §1; Acts 2001, No. 917, §1; Acts 2010, No. 50, §1.

§1693. Exemption from entrance fees; school children

Any school child who is on a field trip conducted as part of the curriculum of the school and any classroom teacher, parent, bus driver and any other person accompanying a school child on such a field trip shall be exempt from paying the general admission charge to any state park, museum or related state facility in Louisiana. This exemption shall be valid from Monday through Friday during the months of October through March. The office of state parks shall promulgate regulations to implement the provisions thereof.

Acts 1980, No. 827, §1.

§1693.1. Exemption from fees; children in state's legal custody

A. Any child age eighteen or under who is retained in the legal custody of the state through a bona fide contractual service agreement with a public nonprofit community home based organization or "provider", shall be exempt from paying the general day-use entrance fees or any other fees for "day-use" facilities at any state park in Louisiana; however, such use shall be in conjunction with an organized group outing or event sponsored and supervised by the public, nonprofit organization or "provider".

B. The office of state parks shall promulgate regulations to implement the provisions hereof to become effective no later than January 1, 1992.

Acts 1991, No. 347, §1.

§1693.2. Exemption for "Golden Access Passport" holders; day-use entrance fees; camping fees

A. Any citizen of the United States who possesses a "Golden Access Passport" issued by an agency of the United States pursuant to 16 U.S.C. 460l-6a, upon presentation of the Golden Access Passport and proper identification to state park authorities, shall be exempt from the day-use entrance fee to any Louisiana state park and shall be permitted to camp at sites within Louisiana state parks for one-half the normal fee if an unoccupied camp site is available and if the state park system of the citizen's domicile as reflected on his presented identification also recognizes such passes for discounted access or services.

B. Repealed by Acts 2001, No. 917, §1.

C. In state parks where individual user fees are charged, the exemption provided for in Subsection A of this Section shall apply only to the permit holder; however, where vehicle permits are utilized, the exemption shall apply to the permit holder and each occupant accompanying the permit holder in the same private, noncommercial vehicle.

D. The office of state parks shall promulgate regulations to implement the provisions of this Section.

Acts 1992, No. 607, §1; Acts 1995, No. 104, §1; Acts 1995, No. 266, §1; Acts 2001, No. 917, §1; Acts 2010, No. 50, §1.

§1693.3. Exemption for America the Beautiful National Parks and Federal Recreational Lands Senior Pass and Access Pass holders; camping fees

Any citizen of the United States who possesses an America the Beautiful National Parks and Federal Recreational Lands Senior Pass or Access Pass issued by an agency of the United States, upon presentation of such pass and proper identification to state park authorities, shall be permitted to camp at sites within Louisiana state parks for one-half the normal fee if an unoccupied camp site

is available and if the state park system of the citizen's domicile as reflected on his presented identification also recognizes such passes for discounted access or services.

Acts 2010, No. 50, §1.

§1694. Exemption from entrance fees; certain veterans

A. Any Louisiana resident who is a veteran of the armed forces of the United States, who has suffered the amputation of a limb, who has at any time been awarded by the government of the United States an allowance toward the purchase of an automobile, or any Louisiana resident who is a veteran of the Armed Forces of the United States having a disability classification by the Social Security Administration or the Veterans' Administration as totally and permanently disabled or classified as having a fifty percent or greater disability, shall be exempt from paying the day use entrance fee to any Louisiana state park.

B. Application by eligible veterans shall be made to the assistant secretary, office of state parks, for an entrance permit, which will be issued by the agency upon verification of eligibility by the Department of Veterans' Affairs of Louisiana. Any person accompanying a veteran having a valid entrance permit in the same single, private, non-commercial vehicle shall be exempt from paying the day use entrance fee to any Louisiana state park.

C. Persons exempt from the day use entrance fee as provided in Subsection A shall also be entitled to purchase a "Golden Pelican Permit" through the office of state parks as provided in R.S. 56:1692(B).

Acts 1980, No. 827, §1; Acts 1991, No. 372, §1.

§1695. Annual day use entrance permits to state parks

The assistant secretary, office of state parks, may issue upon application, to any citizen at a rate to be fixed by the office of state parks, a vehicle entrance permit to Louisiana state parks. The permit shall be a decal or other identification affixed to a private, non-commercial vehicle, and shall be valid for a period of one year, with the inception and expiration dates to be fixed by the office of state parks. The assistant secretary, office of state parks, may renew such permits annually, upon application therefor and upon payment for each renewal. Any citizen to whom a valid entrance permit has been issued shall, upon presentation of the permit, be exempt from paying the day use entrance fee to any state park in Louisiana. Any person accompanying a citizen having a valid entrance permit in the same single, private, non-commercial vehicle, shall be exempt from paying the general admission charge to any state park in Louisiana.

Acts 1980, No. 827, §1.

§1696. Surplus from operation of parks

The secretary of the Department of Culture, Recreation and Tourism is hereby authorized to retain any surplus funds remaining at the end of each fiscal year resulting from the operations of the various office of state parks holdings, provided that such surpluses are to be expended within one year after the close of each fiscal year for the purchase of equipment, repairs and improvements to existing facilities, when approved by the commissioner of administration.

Acts 1980, No. 827, §1.

§1697. Sale or donation of lands belonging to school or levee board

Any lands belonging to any school or levee board and any other public lands or water bottoms of the state suitable for the establishment and maintenance of office of state parks holdings may be sold or donated to the state of Louisiana, Department of Culture, Recreation and Tourism, office of state parks, for the purposes herein set out in this Part, with the approval of the governor and the attorney general.

Acts 1980, No. 827, §1.

§1698. Title to state parks

The title to all lands acquired heretofore for the purpose for which the Louisiana State Parks and Recreation Commission was created shall be vested in the state of Louisiana including Chicot State Park, in the parish of Evangeline; Fontainebleau State Park, in the parish of St. Tammany; Chemin-A-Haut State Park, in the parish of Morehouse; Longfellow-Evangeline State Park, in the parish of St. Martin; Fort Macomb, in the parish of Orleans; Fort Pike, in the parish of Orleans; and Bogue Falaya State Park, in the parish of St. Tammany.

Acts 1980, No. 827, §1.

§1699. Chicot State Park, special facilities camp for handicapped; creation; advisory committee; programs; use

A. The office of state parks in the Department of Culture, Recreation and Tourism is hereby authorized to select, designate, and set aside a site at Chicot State Park or to acquire a site in close proximity thereto for the purpose of establishing a facility to serve the special needs of physically and mentally impaired citizens. This site and all facilities now or hereafter developed thereon shall be under the operation and supervision of the office of state parks.

B. The office of state parks shall be responsible for the planning and development of such park facilities to meet the needs of physically and mentally impaired citizens.

C. The office for citizens with developmental disabilities of the Department of Health and Hospitals, in coordination with the Louisiana State Planning Council on Developmental Disabilities, shall be responsible for all programmatic functions of such park facility, including but not limited to the following:

- (1) The preparation and administration of programs for the benefit of handicapped persons.
- (2) Scheduling and coordination of the use of this facility by the handicapped.
- (3) The provision of available program staff personnel or camp counselors for group use and program activities, as may be required.
- (4) The receipt and allocation of federal and state funds, donations, and any other funds as may be available for camp programs and activities.

D. The office of state parks, the office of mental retardation, and the Bureau For Handicapped Persons shall establish rules and regulations for the implementation of this Section. Such rules and regulations shall be structured so as to give priority of facility use to groups of handicapped persons but shall not necessarily preclude use by nonhandicapped individuals or groups.

Added by Acts 1982, No. 188, §1. Acts 1989, No. 662, §7, eff. July 7, 1989; Acts 1993, No. 712, §5, eff. June 21, 1993.

§1700. Clinton Confederate Cemetery, operation and maintenance; transfer to cemetery association

A. The Department of Culture, Recreation and Tourism may enter into a cooperative agreement with the Clinton Confederate Cemetery Association, a nonprofit charitable association formed in accordance with the provisions of the U.S. Internal Revenue Code, for the operation and maintenance of the Clinton Confederate State Historic Site, also known as the Clinton Confederate Cemetery.

B. Subject to an appropriation annually to be provided in appropriations for the operations of the Department of Culture, Recreation and Tourism and specifically designated for such purpose, the department is authorized to transfer funds of not more than fifteen hundred dollars annually to the cemetery association for the performance of such operation and maintenance. The department shall include in its annual request for operating funds an amount sufficient to accomplish the obligations so transferred to the association.

C. The association shall establish rules and regulations consistent with the general laws of the state, the parish, and the town of Clinton for the operation of the cemetery, and all such rules and regulations shall be subject to approval by the office of state parks of the Department of Culture, Recreation and Tourism.

D. The association may not transfer its responsibilities for operation, maintenance, and upkeep of the historic site to any public body or to any other state-chartered nonprofit corporation whose purpose shall be the proper care, operation, and management of the Clinton Confederate Cemetery, without prior approval by the office of state parks of the Department of Culture, Recreation and Tourism.

Added by Acts 1983, No. 50, §1, eff. July 1, 1983. Acts 1992, No. 828, §1, eff. July 8, 1992; Acts 1999, No. 709, §3.

§1701. Kent Plantation House, agreements for operation and maintenance

A. The Department of Culture, Recreation and Tourism is hereby authorized to enter into a cooperative agreement with any appropriate public or private entity for the operation and maintenance of the Kent House State Historic Site, also known as the Kent Plantation House. Such agreement shall be made and implemented in the same manner and subject to the same provisions as agreements between parishes, municipalities, and political subdivisions as provided in Subpart A of Part VII of Chapter 2 of Title 33 of the Louisiana Revised Statutes of 1950.

B. Subject to annual appropriations, to be provided in appropriations for the operations of the Department of Culture, Recreation and Tourism and specifically designated for such purpose, the department is authorized to transfer funds of not less than fifty-six thousand dollars annually, as appropriated, to the operating entity for the performance of such operation and maintenance. The department shall include in its annual request for operating funds an amount sufficient to accomplish the obligations so transferred.

C. The operating entity shall establish rules, regulations, and policies consistent with state and local law for the operation of said site, and all such rules, regulations, and policies shall be subject to approval by the office of state parks of the Department of Culture, Recreation and Tourism.

Added by Acts 1983, No. 613, §1; eff. July 1, 1983; Acts 1999, No. 709, §3.

§1702. Palmetto Island State Park; agreements for operation and maintenance

A. The Department of Culture, Recreation and Tourism is hereby authorized to enter into a cooperative agreement with any appropriate public or private entity for the operation and maintenance of the Palmetto Island State Park for a public purpose. Such agreement shall require that the state shall be responsible for any and all costs for road construction and maintenance, and for any and all costs for heating, cooling, and sewerage, except electricity costs.

B. The office of state parks, in consultation with the operating entity, shall develop any rules, regulations, and policies necessary for the operation of the park. Rules and regulations shall be promulgated in accordance with the Administrative Procedure Act.

Acts 2010, No. 770, §1.

§1703. The Louisiana State Parks Improvement and Repair Fund

A. There is hereby established in the state treasury a special fund to be known as the "Louisiana State Parks Improvement and Repair Fund", hereinafter referred to as the "fund".

B. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within a fiscal year, the treasurer in each fiscal year shall pay into the fund all of the following:

(1) An amount equal to the total amount of fees and other self-generated revenues generated by state parks, except as provided in R.S. 56:1704.

(2) An amount equal to all donations of private monies made to the state of Louisiana or any political subdivision, department, agency or corporation of the state for the conservation, administration, control, management, development, operation, or maintenance of any office of state parks holdings. These monies shall be appropriated only for the conservation, administration, control, management, development, operation, or maintenance of office of state parks holdings.

C. Except as provided in Paragraph(B)(2) of this Section, the monies in the fund shall be used solely for the purpose of financing improvements and repairs at state parks in the state and shall be allocated, subject to appropriation by the legislature, as follows:

(1) Except as provided in R.S. 56:1704, fifty percent of the monies in the fund shall be allocated to each state park in an amount equal to fifty percent of the amount of fees and other self-generated funds generated by that park.

(2) Fifty percent of the monies in the fund shall be allocated for use throughout the state park system on the following priority need basis, as recommended by the assistant secretary of the office of state parks:

- (a) First, for protection of life or property on existing park areas;
- (b) Second, for general repairs and improvements to existing facilities on existing park areas;
- (c) Third, for addition of new facilities on existing park areas; and
- (d) Fourth, for acquisition of property to expand existing park areas.

D. All unexpended and unencumbered monies in the fund at the end of a fiscal year shall remain in the fund and be available for appropriation in the next fiscal year in the same manner as allocated herein. Monies in the fund shall be invested as provided by law. Interest earned on the investment of monies in the fund shall be credited to the state general fund.

Acts 1989, No. 729, §1, eff. July 8, 1989; Acts 1992, No. 121, §1, eff. July 1, 1992; Acts 2010, No. 770, §1.

§1704. Bayou Segnette State Park; operation of the wave pool

All fees and other revenues generated through operation of the wave pool at Bayou Segnette State Park shall be appropriated as self-generated revenues to the Bayou Segnette State Park to be used solely for the purpose of funding the operation and maintenance of the wave pool.

Acts 1992, No. 121, §1, eff. July 1, 1992.

§1705. Poverty Point Reservoir Development Fund

A. The Poverty Point Reservoir Development Fund, hereinafter referred to as the "fund", is hereby established as a special fund within the state treasury.

B. After satisfaction of the requirements of Article VII, Section 9(B) of the Constitution of Louisiana with respect to the Bond Security and Redemption Fund, the state treasurer shall each year deposit in and credit to the fund an amount equal to the total fees and self-generated revenues collected in that year from activities of the Poverty Point Retirement Development Community and the Black Bear Golf Course. Monies in the fund may be appropriated for support of the operation, maintenance, improvement, and expansion of the Poverty Point Retirement Development Community and the Black Bear Golf Course. Any unexpended or unencumbered monies on deposit in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be invested in the same manner as those in the state general fund and interest earned on such investment shall be deposited in and credited to the state general fund.

C. The Poverty Point Reservoir Development District Board membership shall be representative of the population of the state based on race and gender as near as practicable.

Acts 2006, No. 357, §1, eff. June 13, 2006.

§1706. Audubon Golf Trail Development Fund

A. The Audubon Golf Trail Development Fund, hereinafter referred to as the "fund", is hereby established as a special fund within the state treasury.

B. After satisfaction of the requirements of Article VII, Section 9(B) of the Constitution of Louisiana with respect to the Bond Security and Redemption Fund, the state treasurer shall each year deposit in and credit to the fund an amount equal to the total fees and self-generated revenues collected in that year from activities of the Audubon Golf Trail. Monies in the fund may be appropriated for support of the Audubon Golf Trail. Any unexpended or unencumbered monies on deposit in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be invested in the same manner as those in the state general fund and interest earned on such investment shall be deposited in and credited to the state general fund.

Acts 2006, No. 357, §1, eff. June 13, 2006.

PART II. STATE AND LOCAL PARTICIPATION IN FEDERAL WATER PROJECT RECREATION ACT

§1741. Authority

The secretary of the Department of Culture, Recreation and Tourism, the secretary of the Department of Wildlife and Fisheries, and the governing authority of each political subdivision of the state of Louisiana are hereby authorized to cooperate and jointly participate in projects with the United States Army Corps of Engineers and any other federal agency for the purpose of the development of outdoor recreation and fish and wildlife enhancement as authorized by the Federal Water Project Recreation Act, Public Law 89-72, 1965;¹ provided, that the authority granted herein also shall extend to the development and maintenance of projects for the development of outdoor recreation and fish and wildlife enhancement, or any part thereof, which may be executed by the participating state agency or political subdivision through a third-party concessionaire agreement. The authority herein granted shall be exercised in any individual project only after the approval of the project by the governor.

Acts 1980, No. 827, §1.

¹16 U.S.C.A. §460l et seq.

PART III. GRAND ISLE BEACH

§1751. Grand Isle beach area; cleaning; maintenance

A. Subject to an appropriation of fifty thousand dollars annually to be provided in the general appropriation for the operations of the Department of Culture, Recreation and Tourism and specifically designated for such purpose, the town of Grand Isle, Jefferson Parish, shall be responsible for the cleaning and continuous maintenance of that portion of Grand Isle beach within Jefferson Parish, more particularly described as all that portion of the southern shore of Grand Isle bounded on the west by Grand Isle State Park West, on the east by Grand Isle State Park East, specifically excluding any portion of said shore included within Grand Isle State Park East and Grand Isle State Park West, on the north by the existing and future portions of the hurricane protection levee, and on the south by the waterline of the Gulf of Mexico.

B. The Department of Culture, Recreation and Tourism is authorized to assist the town of Grand Isle in cleaning and maintaining the Grand Isle beach.

Amended by Acts 1980, No. 827, §1.

PART IV. AUDUBON PARK

§1761. Audubon Park Commission; creation; membership

A. The Audubon Park Commission is hereby created as a political subdivision of the state of Louisiana pursuant to Article VI, Section 19 of the Constitution. The commission shall exercise the powers and duties hereinafter set forth or otherwise provided by law.

B. The commission shall be composed of twenty-four members who shall be appointed by the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. The commission shall be composed as follows:

(1) Seven members, who shall be residents of the city of New Orleans, appointed from a list of fifteen names eight of which shall be names submitted to the governor by the mayor of the city of New Orleans and seven of which shall be names submitted to the governor by the council of the city of New Orleans. Provided that one member shall be a resident of either the Eighth or Ninth Ward of Orleans Parish.

(2) Six members, who shall be residents of the city of New Orleans, appointed from a list comprised of two names submitted to the governor by each legislator who represents any portion of the city of New Orleans.

(3) Five members, who shall be residents of Jefferson Parish, appointed from a list comprised of two names submitted to the governor by each legislator who represents any portion of Jefferson Parish.

(4) Two members, who shall be residents of St. Bernard Parish, appointed from a list comprised of two names submitted to the governor by each legislator who represents any portion of St. Bernard Parish.

(5) One member, who shall be a resident of Plaquemines Parish, appointed from a list comprised of two names submitted to the governor by each legislator who represents any portion of Plaquemines Parish.

(6) Two members, who shall be residents of St. Charles Parish or St. John the Baptist Parish, appointed from a list comprised of two names submitted to the governor by each legislator who represents any portion of St. Charles Parish or St. John the Baptist Parish.

(7) One member, who shall be a resident of St. Tammany Parish, appointed from a list comprised of two names submitted to the governor by each legislator who represents any portion of St. Tammany Parish.

(8) Of the total number of members appointed from the city of New Orleans and Jefferson Parish, at least two shall be residents of the west bank of the Mississippi River. Provided further, one of these members shall be a resident of the west bank of Orleans Parish and one member shall be a resident of the west bank of Jefferson Parish.

(9) All initial nominations shall be made within twenty-one days of the date of signature by the governor, or if not signed by the governor, within twenty-one days of the expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. All subsequent nominations shall be made no earlier than twenty-eight days prior to the expiration of the term of office nor later than fourteen days prior to the expiration of the term of office. If nominations are not made within the time specified, the governor shall make his appointments without the necessity of nominations.

C.(1) Appointed members shall serve four-year terms. Vacancies shall be filled for the remainder of the term by the Audubon Park Commission. Any person appointed by the commission to fill a vacancy shall be a resident of the same parish as the member he is appointed to replace.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the terms of the initial members of the commission appointed pursuant to R.S. 56:1761(B) shall expire on December 31 of the year designated below:

(a) The terms of the initial members appointed pursuant to R.S. 56:1761(B)(4), (5), (6), and (7) shall expire in 1984.

(b) The terms of the initial members appointed pursuant to R.S. 56:1761(B)(3) shall expire in 1985.

(c) The terms of the initial members appointed pursuant to R.S. 56:1761(B)(1) shall expire in 1986.

(d) The terms of the initial members appointed pursuant to R.S. 56:1761(B)(2) shall expire in 1987.

(3) The terms of the successors of the initial members shall expire on December 31 of the last year of their respective terms. Members shall serve until their successors are appointed and take office.

D. The commission shall meet and organize immediately after appointment of the members and shall elect from its membership a chairman and a vice chairman and such other officers as it may deem necessary. The commission shall prescribe the duties of its officers. The commission shall adopt rules for the transaction of its business and shall keep a record of its proceedings. Thirteen members shall constitute a quorum.

E. The commission shall meet at least once in each quarter of the fiscal year, or on call of the chairman or any five members.

F. Members of the commission shall receive no compensation for their services.

G. The commission shall be domiciled in New Orleans.

Acts 1983, No. 485, §1, eff. July 27, 1983; Acts 2003, No. 774, §15.

§1762. Powers and duties

A. That park in the city of New Orleans known as Audubon Park is placed under the control and management of the Audubon Park Commission created in R.S. 56:1761. The commission shall take charge of and shall supervise the park as a natural resource and preserve and improve it for public recreation and use as a place of public resort, recreation, and pleasure. The commission shall have full charge of the control and management, repair, maintenance, development, and improvement of the park.

B. For the purposes of this Part, Audubon Park shall be defined as that park located within the Sixth District of the city of New Orleans which consists of that property formerly administered by the Audubon Park Commission created by Act No. 191 of 1914. Without limiting this property, it shall include the former Foucher Plantation as conveyed by act before M.L. Ainsworth, Notary Public, on August 15, 1871 and registered in the Orleans Parish Conveyance Office in COB 100, folio 187 and 181 on August 16, 1971¹; it shall include that property known as Avenger Field. It shall not include that certain piece of ground situated in the Sixth District of the city in square designated by the number "60" bounded by Felicia Street, St. Charles Avenue, Walnut Street and Foucher Estate, now Audubon Park, which said piece or portion of ground measures 28 feet front on Felicia Street, by 831 feet in depth and 14 feet in the rear.

C. In order to carry out its duties and functions the commission may: (1) Adopt and promulgate such rules and regulations as may be necessary to carry out its functions and implement the procedures of this Part.

(2) Establish, maintain, operate, and control park recreational and entertainment facilities and activities in the park, including but not limited to a zoo.

(3) Enter into contracts with private individuals, firms, or corporations for the establishment, maintenance, and operation of park recreational and entertainment facilities and activities in the park.

(4) Charge and collect from contracting parties rentals for the use of park property.

(5) Charge and collect for the enjoyment and/or use of such park recreational and entertainment facilities and activities such admissions, charges, or fares as in the judgment of the commission are fair and proper.

(6) Insure that in the use and enjoyment of every portion of Audubon Park and Zoo and all of the facilities therein there will not be any discrimination against any person because of handicap, age, race, color, religion, sex or national origin.

(7) Affirmative action shall be taken to insure that all employees of the commission and of any entity with whom the commission contracts for services shall be treated during employment without regard to their race, age, handicap, color, religion, sex or national origin.

Acts 1983, No. 485, §1, eff. July 27, 1983.

¹*So in enrolled bill.*

§1763. Contract for operation of park and zoo

A. The commission is hereby vested with authority to and may contract with any nonprofit or not for profit firm, corporation, or entity for the operation, care, control, and management of the park and its zoo.

B. Any contract that the commission may enter into in accordance with Subsection A of this Section may be either a contract, lease, or combination contract and lease.

C. The commission shall in its sole discretion determine the terms, conditions, and duration of any contract or lease entered into under the provisions of this Section. Any contract or lease entered into by the commission under the provisions of this Section shall contain a provision in such contract or lease that the contract or lease may be terminated by the commission, with or without just cause, upon written notification to all parties in the contract or lease, which notification shall be given not more than ninety days prior to the termination.

D. Only a firm, corporation, or entity that is organized under the laws of the state of Louisiana shall be eligible to contract with the commission under the provisions of this Section, and only a firm, corporation, or entity that is organized as a nonprofit or not for profit firm, corporation, or entity shall be eligible to contract with the commission under the provisions of this Section.

E. The provisions of Chapter 10 of Title 41 of the Louisiana Revised Statutes of 1950 shall not be applicable to any lease or contract entered into under the provisions of this Section.

F. The provisions of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 shall not be applicable to any lease or contract entered into under the provisions of this Section.

G. This Section shall be construed to grant the commission the authority to contract in a cooperative endeavor for the care, control, and management of the park and its zoo, including all facilities located in the park on the effective date of this Section and any future facilities located in the park.

H. The commission shall have the right to assign any contracts that the former Audubon Park Commission created by Act No. 191 of 1914 may have on the effective date of this Part to any contracting party under the provisions of this Section.

I. The commission shall have full authority to delegate to the nonprofit entity its ability to collect any rents, charges, admissions, or fares it may be empowered to collect.

J. The contractor shall have the full authority to hire its own employees to provide services formerly provided by the employees of the Audubon Park Commission created by Act No. 191 of 1914.

K. Any contract entered into under the provisions of this Section shall be deemed to be a cooperative endeavor under the provisions of Article VII, Section 14(C) of the Constitution of Louisiana.

Acts 1983, No. 485, §1, eff. July 27, 1983.

§1764. Secretary; staff

The commissioners shall have the power to select a secretary and to fix his salary at a reasonable sum. The commission may employ such other agents and employees as may be required for the discharge of its functions and to prescribe and define their respective duties, authority, and compensation.

Acts 1983, No. 485, §1, eff. July 27, 1983.

§1765. Rules to preserve order and protect property; penalties

A. The commission shall have authority to make and establish such rules and regulations for the preservation of order and the protection of property in the park as it deems necessary.

B. In addition to any penalties otherwise provided by law, violation of any of the rules and regulations promulgated by the commission pursuant to this Section shall be punishable by fine of not less than fifteen dollars nor more than two hundred fifty dollars.

Acts 1983, No. 485, §1, eff. July 27, 1983.

§1766. Funds for park

A. For the preservation, improvement, and beautification of Audubon Park and its facilities, including the zoo, and for providing for expenses incidental thereto and other park expenses, the Audubon Park Commission, in addition to receiving funds from other sources, shall have the authority to receive funds from any local governing authority within the state of Louisiana.

B. In addition to funds appropriated to or otherwise made available to the park by the state, the city of New Orleans, local governing authorities, or other sources, self-generated revenues of the park or of its nonprofit contractor shall be used for park development, maintenance, operation, and other park expenses.

Acts 1983, No. 485, §1, eff. July 27, 1983.

PART V. RAILS TO TRAILS PROGRAM

§1781. Preservation of abandoned railroad transportation property

A. Any railroad company or corporation filing an abandonment plan with the Interstate Commerce Commission proposing to abandon railroad rights of way in this state shall notify the secretary of the Department of Transportation and Development by providing the secretary with a copy of the filing within ten days of the filing with the Interstate Commerce Commission so that the state or a political subdivision thereof may take advantage of and implement the "Rails to Trails" program.

B.(1) Upon receipt of notice of a filing proposing to abandon a railroad right of way the secretary shall, within one hundred eighty days, make a determination of whether it is in the best

interest of the state to preserve the proposed abandoned railroad right of way as a corridor for future transportation uses within the state.

(2) In making this determination, the secretary shall receive written commitments from the office of culture, recreation and tourism in the lieutenant governor's office that they have the means and ability to implement and administer the "Rails to Trails" program in the event a determination is made to preserve the abandoned railroad right of way as a corridor for future transportation uses in this state.

(3) Upon receipt of notice of a filing proposing to abandon a railroad right of way, the secretary shall notify those local governmental entities in which the railroad right of way is located of such notice, advising each such local governmental entity of the provisions of this Part and that their comments must be received in writing within one hundred twenty days of the date of the notice from the secretary.

C. The secretary shall notify the railroad company or corporation and the Interstate Commerce Commission of its determination whether to preserve the proposed abandoned railroad right of way as a corridor for future transportation uses in this state. The failure of the secretary to file an application with the Interstate Commerce Commission within two hundred ten days of receipt of the notice of the abandonment application shall be an affirmative declaration not to preserve the railroad right of way as a transportation corridor.

D. Any affected local governmental entity shall have the right to file an application with the Interstate Commerce Commission seeking to preserve the proposed abandoned railroad right of way as a transportation corridor for future transportation uses within the territorial jurisdiction of the local governmental entity.

Acts 1990, No. 1016, §1; Acts 1992, No. 881, §1.

§1782. Exercise of preservation rights

A. The exercise of the right to preserve an abandoned railroad right of way as a transportation corridor for future transportation uses shall not be undertaken by the state or any state agency unless the commissioner of administration has issued to the Interstate Commerce Commission a certificate of availability of funds for the program.

B. The exercise of the right to preserve an abandoned railroad right of way as a transportation corridor for future transportation uses shall not be undertaken by any political subdivision or local governing authority of this state unless the entity has issued to the Interstate Commerce Commission a certificate of availability of funds for the program.

C. Any affected local governmental entity may request the secretary to make a determination to preserve a proposed abandoned railroad right of way as a transportation corridor for future transportation uses upon a showing for the need for such future use and after having filed a preliminary application with the Interstate Commerce Commission requesting the proposed abandoned railroad right of way be considered for preservation under the "Rails to Trails" program.

D. Nothing in this Part shall affect the property owner's right to compensation under any federal or state law. The provisions of Article I, Section 4 of the Constitution of Louisiana shall be applicable in determining the amount of compensation due the property owners under this Part.

E. Upon approval of a "Rails to Trails" program by the Interstate Commerce Commission, the governmental entity filing the application for the program shall, within one hundred eighty days, complete all acquisition transactions including the payment of compensation due the property owners.

F. The failure of the governmental entity to complete all acquisition transactions within the time allowed shall by operation of law release all preservation rights authorized by this Part and shall not

be an encumbrance or cloud upon the title of the property or right of way subject to said preservation rights, reserving unto the property owners any claim for damages or compensation to which they may be entitled under state law.

Acts 1990, No. 1016, §1; Acts 1992, No. 881, §1.

§1783. Cooperative endeavors

As provided in Article VII, Section 14(C) of the Louisiana Constitution and for the purpose of implementing a "Rails to Trails" program, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual.

Acts 1990, No. 1016, §1.

§1784. Intergovernmental cooperation; financing

As provided in Article VI, Section 20 of the Louisiana Constitution and for the purpose of implementing a "Rails to Trails" program, a political subdivision may exercise and perform any authorized power and function, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, or with the United States or its agencies.

Acts 1990, No. 1016, §1.

§1785. Ownership and usage

A. Upon approval by the Interstate Commerce Commission of the preservation of abandoned railroad rights of way as a transportation corridor the entity approved to administer and implement the "Rails to Trails" program shall, for any and all legal purposes, be considered the legal title holder of the property or rights sought to be preserved and, unless agreed to by means of contractual obligations to the contrary, the railroad company or corporation shall be relieved of all responsibility and legal rights and obligations as respects the property or rights included within the transportation corridor preserved by the governmental entity.

B. The usage of the railroad right of way approved by the Interstate Commerce Commission for preservation and included within the "Rails to Trails" program shall be the sole and exclusive prerogative of the governmental entity whose application was approved by the Interstate Commerce Commission.

Acts 1990, No. 1016, §1.

CHAPTER 7. OUTDOOR RECREATION

§1801. Secretary of the Department of Culture, Recreation and Tourism; powers and functions

A. The secretary of the Department of Culture, Recreation and Tourism hereinafter called "secretary", shall consult with and provide guidance to the heads of all state agencies on matters affecting recreation and shall be responsible for developing methods and procedures for improving inter-agency coordination in the development and implementation of state recreational policies and programs.

B. The secretary is authorized, directed, and shall supervise the preparation, maintenance, and upgrading of a comprehensive long-range, statewide plan for the development of outdoor recreation resources of the state which is hereinafter called the "plan", which will be prepared by its staff.

C. The secretary shall consult with and help establish policies and procedures to be utilized by the assistant secretary, office of state parks, hereinafter called "state liaison officer", in carrying out programs for all state agencies, parishes, municipalities, planning commissions, and subdivisions of the state of Louisiana who desire to take advantage of and participate under the benefits of the Land and Water Conservation Fund Act described in R.S. 56:1802.

Acts 1980, No. 827, §2. Amended by Acts 1982, No. 329, §2, eff. July 18, 1982.

§1802. Authorized representative

The assistant secretary of the office of state parks is designated as the authorized representative of the state of Louisiana under the Land and Water Conservation Fund Act (16 U.S.C.A §§4601-4 to 4601-11), which position is referred to as "state liaison officer" and which federal act is hereinafter called "act", is hereby directed to utilize the plan in carrying out the authority vested in said office, it being the intention that any action taken by the state liaison officer be pursuant to and in compliance with the plan.

Acts 1980, No. 827, §2. Amended by Acts 1982, No. 329, §2, eff. July 18, 1982.

§1803. Agreements with United States; coordination

The assistant secretary of the office of state parks, hereinafter called "state liaison officer", may enter into contracts and agreements with United States or any appropriate agency thereof, keep financial records and other records relating thereto, and furnish to appropriate officials and agencies of the United States such reports and information as may be reasonable and necessary to enable such officials and agencies to perform their duties under such federal programs. In connection with obtaining for the state of Louisiana the benefits of any such program, the state liaison officer shall coordinate its activities with and represent the interest of all agencies and departments of the state and of the parish, municipal, and other governmental units and subdivisions of the state of Louisiana having interest in the planning, development, and maintenance of outdoor recreation resources and facilities within the state.

Amended by Acts 1980, No. 827, §2; Acts 1982, No. 329, §2, eff. July 18, 1982.

§1804. Availability of funds

Projects may be undertaken only after the state liaison officer has determined that sufficient funds are available for meeting the state's share of project costs.

Amended by Acts 1980, No. 827, §2.

§1805. Agreements on behalf of political subdivisions

The state liaison officer may enter into and administer agreements with the United States or any appropriate agency thereof for the planning, acquisition, or development of projects involving participating federal aid funds on behalf of any parish, municipality, or other governmental unit which gives necessary assurances to the said state liaison officer that it has available sufficient funds to meet its share of the cost of the project and that the acquired or developed areas will be operated and maintained at its expense for public outdoor recreation use.

Amended by Acts 1980, No. 827, §2.

§1806. Construction of Chapter

Nothing in this Chapter shall be construed as attempting to substitute, transfer, or supersede the proper constitutional or statutory function or jurisdiction of any state agency or head thereof by any other state agency.

Acts 1980, No. 827, §2.

§1807. Cooperation of state agencies and subdivisions with secretary

All state agencies are hereby empowered, authorized and directed to make available to the state liaison officer such reasonable help and assistance as the state liaison officer may request, and such agencies and subdivisions shall cooperate with the state liaison officer in carrying out the intentions and purposes of this Chapter.

Acts 1980, No. 827, §2.

§1808. Functions and duties of state agencies

A. The Department of Wildlife and Fisheries, the office of tourism and promotion, the Department of Transportation and Development, the Department of Natural Resources, the Department of Agriculture, the State Soil and Water Conservation Committee, and the Louisiana Cooperative Extension Service or their successor agencies shall furnish assistance to the state liaison officer for the implementation of the Chapter in compliance with the provisions of R.S. 49:661 and R.S. 49:663.

B. In respect to duties of the secretary and the state liaison officer, under this Chapter and insofar as practical, all state agencies shall comply with reasonable requests to furnish information, data, and reports to the commission, and shall otherwise cooperate with the said secretary and state liaison officer.

Acts 1980, No. 827, §2.

§1809. *Repealed by Acts 1992, No. 984, §18.*

CHAPTER 8. LOUISIANA NATURAL HERITAGE PRESERVATION

PART I. GENERAL PROVISIONS

§1830. Louisiana Natural Heritage Program

There is hereby created within the Department of Wildlife and Fisheries the Louisiana Natural Heritage Program to administer the provisions of law and rules and regulations regarding the Louisiana Natural Areas Registry, the Threatened and Endangered Species Conservation program, and those programs, duties, and functions designated by the secretary in accordance with law.

Acts 1987, No. 324, §1, eff. July 6, 1987.

§1831. Agreements; land conservation organizations

The department is authorized to enter into agreements with national, nonprofit membership land conservation organizations to conduct programs; manage, preserve, and conserve land; and to purchase lands.

Acts 1987, No. 324, §1, eff. July 6, 1987.

§1832. Wild Louisiana Stamp

A.(1) In addition to other methods of funding available for the implementation of this Chapter, the department is authorized to issue and promote the sale to the general public of Wild Louisiana Stamps, which shall not exceed ten dollars for each stamp. The department may also issue a Wild Louisiana Stamp that is valid for one day which shall cost two dollars. The stamps shall be available for sale at all locations at which hunting or fishing licenses are also available and shall be made

available for purchase through a self-service facility located at the entrance to those lands subject to R.S. 56:109(D).

(2) The secretary shall provide to the administrators and managers of department administered lands Wild Louisiana Stamps which shall be available for sale to the general public from designated department personnel assigned to those lands. Wild Louisiana Stamps shall also be available for sale at department district offices and at those administrative offices located on department administered lands.

B. The proceeds from the sale of these stamps shall be placed into the special account within the Conservation Fund known as the "natural heritage account" and shall be used solely for the implementation and administration of Parts I, II, III, and IV of this Chapter and the natural heritage and nongame programs within the department; however, the department may use not more than twenty-five percent of the revenues from the sale of the stamps for the maintenance and stewardship of department administered lands.

C.(1) The department shall provide by regulation the form and design of the "Wild Louisiana Stamp". The stamp shall depict a representative Louisiana nongame species or natural habitat. The regulations shall determine the manner by which an artist shall be selected to create the stamp art. The artist and subject for the stamp print shall be selected with the objective of yielding the maximum return to the department from the sales of stamps and prints.

(2) The department shall negotiate with the Wild Louisiana stamp artist and the stamp art publisher the terms by which limited edition prints of the stamp art will be made available and sold to the public with the objective of maximizing sales of prints and the return to the department from those sales.

(3) The department's share of the proceeds from the sales of the Wild Louisiana stamp print shall be paid to the natural heritage account within the Conservation Fund.

D. Wild Louisiana Stamps provided for in this Section may be purchased with a qualified credit card in accordance with the rules of the department adopted pursuant to R.S. 56:642.

Acts 1992, No. 193, §1; Acts 1993, No. 441, §1; Acts 1995, No. 513, §1; Acts 1995, No. 660, §1; Acts 1995, No. 731, §1.

§1833. Wild Louisiana Guide License

A. The Louisiana Wildlife and Fisheries Commission is authorized to adopt rules and regulations to create and govern a licensing program for persons who conduct outings on lands for purposes other than hunting or fishing for which a Wild Louisiana Stamp may be required pursuant to R.S. 56:109(D).

B. The commission may establish a Wild Louisiana Guide License and impose a fee for such license that may not exceed one hundred dollars annually.

C. The commission may require a licensed Wild Louisiana guide to pay to the department a client fee not to exceed two dollars per trip for each person accompanying the guide on such lands. The guide shall not be required to pay the client fee for those persons who possess a valid Louisiana hunting or fishing license or Wild Louisiana Stamp. The commission may require the guide to submit, along with the payment of the client fees, the names and addresses of persons for which the client fee has been paid.

D. Persons accompanying a licensed Wild Louisiana guide for whom the guide is required to pay a client fee pursuant to Subsection C of this Section shall not be required to possess a Wild Louisiana Stamp or possess a hunting or fishing license.

Acts 1997, No. 129, §1.

PART II. NATURAL AND SCENIC RIVERS SYSTEM

§1840. Short title

This Part shall be known and may be cited as the "Louisiana Scenic Rivers Act".

Acts 1988, No. 947, §1, eff. July 27, 1988.

§1841. Policies; purposes

A. The Legislature of Louisiana hereby finds that there exist in Louisiana many unique and diverse free-flowing rivers, streams, and bayous which should be preserved, protected, and enhanced for the present and future benefit of Louisiana citizens. In order to assist in fulfilling its duties to protect, conserve, and replenish the natural resources of this state in accordance with Louisiana Constitution Article IX, Section 1, the legislature does hereby establish the Louisiana Natural and Scenic Rivers System.

B.(1) This system shall be administered for the purposes of preserving, protecting, developing, reclaiming, and enhancing the wilderness qualities, scenic beauties, and ecological regime of certain free-flowing streams or segments thereof.

(2) This system shall further be administered for the purpose of preserving aesthetic, scenic, recreational, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features and resources found along these streams or segments thereof.

Acts 1970, No. 398, §1; Acts 1981, No. 736, §1; Acts 1982, No. 267, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1842. Definitions

Unless otherwise indicated herein, the terms used in this Part shall mean the following:

(1) "System" means the Louisiana Natural and Scenic Rivers System.

(2) "Administrator" means the secretary of the Department of Wildlife and Fisheries.

(3) "Natural and scenic river" means a river, stream, or bayou or segment thereof that has been designated as part of the Louisiana Natural and Scenic Rivers System in accordance with the provisions of this Part and the rules and regulations adopted pursuant thereto.

(4) "Scenic servitude" means a contract between the adjacent riparian landowner and the system administrator which shall be in the nature of a development agreement for the purpose of preserving the natural state of the landscape through mutual agreement on the activities which might affect the natural landscape.

(5) "Surface servitude" means a contract between the stream owner and the system administrator which shall relieve the landowner of liabilities and assure the public of access and use of the stream surface.

(6) "Channelization" means the practice of changing a natural stream, or segment thereof, into a man-made ditch or canal with channels of a relatively uniform width and depth usually necessitating the removal of trees and other woody vegetation adjacent to the stream and constructed for the purpose of accelerating runoff.

(7) "Clearing and snagging" means the practice of removing most obstructions, trees, snags, and other impediments that retard the natural stream flow.

(8) "Channel realignment" means the practice by which dredging, ditching, or other means are used to shorten or reroute the natural stream course.

(9) "Historic and scenic river" means a river, stream, or bayou or segment thereof which because of its unique historical status and scenic character requires protection and preservation of its

aesthetic, scenic, recreation, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features.

(10) "Reservoir construction" means any permanent dam or impoundment which alters the shoreline of a natural and scenic river.

(11) "River" includes rivers, streams, bayous, and segments thereof and their waters and generally those bodies of water having the characteristics of rivers, streams, and bayous.

(12) "Normal activities" means those activities on lands that do not directly and significantly degrade the ecological integrity of a natural and scenic river.

Added by Acts 1970, No. 398, §1. Amended by Acts 1981, No. 736, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1843. Administrator; duties and powers

A. The administrator of this system shall be the secretary of the Department of Wildlife and Fisheries. Neither the administrator nor any state official shall take action to have any stream or river within this system included in the national Wild and Scenic River System without prior approval of the legislature.

B. The administrator shall administer the system in accordance with the policies, purposes, and requirements of this Part and shall have the authority to:

(1) Adopt such rules, regulations, standards, and criteria as are necessary to implement the provisions of this Part, in accordance with R.S. 49:950 et seq.

(2) Accept donations and grants for the purposes of this Part from public and private sources.

(3) Grant or deny permits and the renewal thereof. Prior to taking such action the administrator shall consider the history of violations and compliances of the applicant. The duration of any permit or renewal thereof shall be determined by the administrator and be stipulated within the permit.

(4) Revoke, suspend, annul, and withdraw any permit for the violation of any provision of this Part, any rule adopted pursuant thereto, any legal order of the administrator, or any order of a court acting pursuant to this Part. Prior to taking such action the administrator shall consider the history of violations and compliances of the permittee and the economic benefits realized through the violation.

(5) Recommend to the legislature rivers for designation as a natural and scenic river and inclusion within the Louisiana natural and scenic rivers system.

(6) Delegate powers and duties provided by this Part to appropriate personnel within the department.

(7) Enter into scenic and surface servitude agreements with landowners for the purposes of this Part.

Added by Acts 1970, No. 398, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1844. Scenic Rivers Fund

A. All donations, penalties, and permit fees collected pursuant to the provisions of this Part shall be deposited immediately upon receipt into the state treasury.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required in Subsection A hereof and monies appropriated by the legislature shall be credited to a special fund hereby created in the state treasury to be known as the "Scenic Rivers Fund". The monies in this fund shall be used solely as provided in Subsection C hereof and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the

fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be placed in the state general fund.

C. The monies in the Scenic Rivers Fund shall be used by the administrator solely for acquisition of servitudes, education, and the monitoring and enforcement of the provisions of this Part and any permits issued pursuant thereto.

D. The administrator shall, by rule, adopt a schedule of fees to be charged for the issuance of permits and renewals.

Added by Acts 1970, No. 398, §1; Acts 1987, No. 606, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1845. Nomination, recommendation, designation, and declassification of natural and scenic rivers; legislative funding

A. Any river in this state may be nominated for inclusion in or declassification from the Louisiana natural and scenic rivers system only by concurrent resolution adopted by the legislature.

B. The administrator shall undertake a continuing study and shall make recommendations to the legislature regarding any river nominated for inclusion in or declassification from the system. Such recommendation for inclusion shall be made no sooner than eight months from the nomination of a river and only subsequent to the evaluation and procedures provided for in this Section. The administrator shall consider the following and other appropriate criteria in preparing the written evaluation and making the recommendation:

(1) The river is free-flowing, has not been channelized, cleared and snagged within the past twenty-five years, realigned, inundated, or otherwise altered and has a shoreline covered by native vegetation and has no or few man-made structures along its banks.

(2) The scene as viewed from the river is pleasing, whether primitive or rural-pastoral, or these conditions are restorable.

(3) The river and its setting possess natural and recreational values of outstanding quality.

(4) The river and its setting are large enough to sustain substantial recreational use and to accommodate existing uses without undue impairment of the natural values of the resource or quality of the recreation experience.

(5) The river will provide present and future benefits to Louisiana citizens through preserving, protecting, and enhancing its wilderness qualities, scenic beauties, and ecological regimes and its aesthetic, scenic, recreational, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features and resources found along the river and adjacent lands.

(6) The existing uses of adjacent lands and the economic impact of such usages.

(7) Determination of state ownership of the bed of the river.

C. Prior to any such recommendation each river nominated for inclusion in or declassification from the system shall be evaluated by the administrator in consultation with the division of administration, the Department of Environmental Quality, and the Louisiana Department of Culture, Recreation and Tourism and with the advice of other agencies that the administrator determines may have an interest in the evaluation. The recommendation shall be in the form of a written report, shall include the evaluation, and shall be part of the record of the decision regarding the proposed recommendation. The report shall include an evaluation of the criteria provided for in this Section and other such matters specified by the administrator. The administrator shall give the evaluation substantial weight in making the recommendation. The administrator shall file the report with the natural resources committees of the legislature and provide copies to the division of administration, the Department of Environmental Quality, the Department of Culture, Recreation and Tourism, and the governing authorities of those parishes through which the river flows.

D. Prior to any such recommendation and as part of the evaluation process, the administrator shall hold not less than one public hearing to receive comments and recommendations from all interested parties and the public. There shall be at least one public hearing in the vicinity of the river nominated for inclusion in or declassification from the system. The administrator shall, not less than thirty days prior to any hearing, publish a notice of the hearing in the official journal of the state and of each parish through which the river flows and notify each parish governing authority by letter to its chief executive officer. The administrator shall give notice to all interested parties, including adjacent landowners. Any recommendation for or against declassification from the system shall be made within one hundred twenty days from date of nomination.

E. The legislature may, by law, designate as a natural and scenic river any river recommended by the administrator for inclusion within the system. The legislature may, by law, declassify any river whether or not recommended by the administrator for declassification as a natural and scenic river. The legislature may appropriate sufficient monies to fund the cost of evaluating those rivers nominated to be natural and scenic rivers, or those rivers nominated for declassification.

Added by Acts 1970, No. 398, §1; Amended by Acts 1981, No. 837, §3; Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1990, No. 258, §1, eff. July 4, 1990; Acts 2004, No. 33, §4.

§1846. Management plan

A. Within one year from the date a river is finally designated as a natural and scenic river, the administrator shall adopt and commence implementation of a management plan for that river which shall conform to the purposes and requirements of this Part. The plan shall be developed by the administrator in consultation with the division of administration, the Department of Environmental Quality, and the Louisiana Department of Culture, Recreation and Tourism and with the advice of other agencies that the administrator determines may have an interest in the plan. The plan shall be in the form of a written document. The administrator shall provide copies of the plan to the division of administration, the Department of Culture, Recreation and Tourism, the Department of Environmental Quality, and the governing authorities of those parishes through which the river flows.

B. Prior to the adoption of a plan and as part of the process, the administrator shall hold not less than one public hearing to receive comments and recommendations from all interested parties and the public. There shall be at least one public hearing in the vicinity of the natural and scenic river. The administrator shall, not less than thirty days prior to any hearing, publish a notice of the hearing in the official journal of the state and of each parish through which the river flows and notify each parish governing authority by letter to its chief executive officer. The administrator shall give notice to all interested parties, including adjacent landowners.

C. Each management plan shall be reviewed at least every five years from adoption and may be modified in the same manner and procedure as provided for adopting the original plan.

D. Notwithstanding the provisions of Subsection A of this Section, the development of the management plan for those natural and scenic rivers designated prior to January 1, 1989, shall be commenced no later than January 1, 1990.

Added by Acts 1970, No. 398, §1; Amended by Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 2004, No. 33, §4.

§1847. Natural and scenic rivers

The following rivers or designated segments thereof are hereby designated as being natural and scenic rivers:

(1) Pushepatapa Creek - Washington - From where East Fork and West Fork join near state line to where it breaks up prior to its entrance into the Pearl River.

(2) Bogue Chitto River - Washington, St. Tammany - From the Louisiana-Mississippi state line to its entrance into the Pearl River Navigation Canal.

(3) Tchefuncte River and its tributaries - Washington, Tangipahoa, St. Tammany - From its origin in Tangipahoa Parish to its juncture with the Bogue Falaya River.

(4) Tangipahoa - Tangipahoa - From the Louisiana-Mississippi state line to the I-12 crossing.

(5) (Blank)

(6) Tickfaw River - St. Helena - From the Louisiana-Mississippi state line to La. Hwy. 42.

(7) Amite River-East Feliciana-From the Louisiana-Mississippi state line to the permanent pool level of the Darlington Reservoir; and from the Darlington Reservoir Dam to La. Hwy. 37; provided that the portion of the Amite River from the Louisiana-Mississippi state line to La. Hwy. 37 shall remain within the Natural and Scenic Rivers System until the issuance of a permit by the U.S. Army Corps of Engineers issued pursuant to 33 U.S.C. 1344 and 33 C.F.R. 232; provided, that if the Darlington Reservoir and dam are not approved and funded no later than September 1, 1997, the portion of the Amite River within the Natural and Scenic Rivers System shall be as follows: From the Louisiana-Mississippi state line to La. Hwy. 37.

(8) Comite River - East Feliciana, East Baton Rouge - From the Wilson-Clinton Hwy. in East Feliciana Parish to the entrance of White Bayou in East Baton Rouge Parish.

(9) Blind River - St. James, Ascension, Livingston, St. John - From its origin in St. James Parish to its entrance into Lake Maurepas.

(10) Bayou Des Allemands - Lafourche, St. Charles - From Lac Des Allemands to Lake Salvador.

(11) Whiskey Chitto Creek - Allen - From the Beauregard Parish line to its entrance into the Calcasieu River.

(12) Six Mile Creek - Allen, Vernon - Includes the East and West Forks and beginning at the boundary of Fort Polk Military Reservation (Lookout Road) and extending south through Vernon and Allen Parishes to its entrance into Whiskey Chitto Creek.

(13) Ten Mile Creek - Rapides, Allen, Vernon - From the boundary of Fort Polk Military Reservation (Lookout Road) through Vernon Parish and all of that portion of said creek lying within the boundaries of Rapides and Allen Parishes.

(14) Little River - Rapides, Grant, Catahoula, LaSalle - From the juncture of Dugdemonia and Castor Creek to its entrance into Catahoula Lake.

(15) Big Creek - Grant - From Hwy. 165 in Grant Parish to its entrance into Little River; provided, however, that, notwithstanding any other law to the contrary, the excluded portion of Big Creek from Hwy. 165 to Hwy. 167 in Grant Parish shall remain within the Natural and Scenic Rivers System until issuance of a permit by the U.S. Army Corps of Engineers issued pursuant to 33 U.S.C. 1344 and 33 C.F.R. 232; provided that if a reservoir and dam are not approved and funded as to the excluded portion of Big Creek from Hwy. 165 to Hwy. 167 in Grant Parish no later than September 1, 1997, that portion of Big Creek within the Natural and Scenic Rivers System shall be as follows: From Hwy. 167 to its entrance into Little River.

(16) Fish Creek - Grant - From its origin near Williana to its entrance into Little River.

(17) Trout Creek - LaSalle - From its origin near Hwy. 8 to its entrance into Little River.

(18) Bayou Bartholomew - Morehouse - From the Louisiana-Arkansas state line to Dead Bayou.

(19) Bayou L'Outre - Ouachita, Union - From the Louisiana-Arkansas state line to its entrance into the Ouachita River.

(20) Bayou D'Arbonne - Union, Ouachita - From the Lake D'Arbonne dam to its entrance into the Ouachita River.

(21) Corney Bayou - Claiborne, Union - From the Louisiana-Arkansas state line to Corney Lake and Corney Lake Dam to Lake D'Arbonne.

(22) Middle Fork of Bayou D'Arbonne - Claiborne, Union - From its origin near La. Hwy. 2 alternate to Lake D'Arbonne. Notwithstanding any other law to the contrary, however, that portion of the bayou located in Sections 19, 20, 21, and 28 of Township 23 North, Range 7 West in Claiborne Parish shall not be a natural and scenic river; provided however, if a reservoir and dam in said portion of the bayou are not approved, funded, and under construction by September 1, 1995, said portion of the bayou shall be a natural and scenic river.

(23) Saline Bayou - Bienville, Winn, Natchitoches - From its origin near Arcadia to La. Hwy. 156 in Winn Parish.

(24) Black Lake Bayou - Red River, Winn, Bienville - From the Webster-Bienville parish line to Black Lake in Natchitoches Parish.

(25) Bayou Kisatchie - Natchitoches - From its entrance into Kisatchie National Forest to its entrance into Old River.

(26) Spring Creek - Rapides - From Otis to Cocodrie Lake in Rapides Parish.

(27) Saline Bayou - Catahoula, LaSalle - From Saline Lake to Larto Lake.

(28) *Repealed by Acts 1993, No. 109, §1, eff. May 26, 1993.*

(29) Bayou Cocodrie - Concordia - From Wild Cow Bayou to Little Cross Bayou.

(30) Bayou Cocodrie - Rapides, Evangeline - From U.S. Hwy. 167 to the Bayou Boeuf-Cocodrie Diversion Canal.

(31) West Pearl River - Washington, St. Tammany - From the state line to its entrance into Lake Borgne.

(32) Dorcheat (Dauchite) Bayou - Webster - From the Arkansas state line to its entrance into Lake Bistineau.

(33) Bayou Trepagnier - St. Charles - From Norco to where it joins Bayou La Branche.

(34) Bayou La Branche - St. Charles - From its source to where it drains into Lake Pontchartrain.

(35)(a) Calcasieu River - Vernon, Rapides - From Louisiana Highway 8 east through Vernon Parish and all of that portion of said river lying within the boundaries of Rapides Parish.

(b) Calcasieu River - Allen, Jefferson Davis, and Calcasieu - From the mouth of the Whiskey Chitto River in Allen Parish, south through Jefferson Davis Parish, and to its intersection with the Ward Eight Park in Calcasieu Parish.

(36) Bayou Dupre - St. Bernard - From the Lake Borgne Canal to Terre Beau Bayou.

(37) Lake Borgne Canal - St. Bernard - From the Forty Arpent Canal to Bayou Dupre.

(38) Bashman Bayou - St. Bernard - From its origin to Bayou Dupre.

(39) Terre Beau Bayou - St. Bernard - From Bayou Dupre to the New Canal.

(40) Pirogue Bayou - St. Bernard - From Bayou Dupre to New Canal.

(41) Bayou Bienvenue - St. Bernard - From Bayou Villere to Lake Borgne.

(42) Bayou Chaperon - St. Bernard - From its origin to its end, Sections 22, 23 T 13 S, R 13 E.

(43) Holmes Bayou - St. Tammany - All of that portion of the bayou lying within the boundaries of St. Tammany Parish.

(44) Bradley Slough (Bayou) - St. Tammany - All of that portion of the slough lying within the boundaries of St. Tammany Parish.

(45) Wilson Slough (Bayou) - St. Tammany - All of that portion of the slough lying within the boundaries of St. Tammany Parish.

(46) Morgan River - St. Tammany - From its juncture with the Porters River to its reentry into the West Pearl River.

(47) Bayou LaCombe - St. Tammany - From its head waters to Lake Pontchartrain.

(48) Bayou Cane - St. Tammany - From its head waters to Lake Pontchartrain.

(49) Tchefuncte River - St. Tammany - From the Bogue Falaya River to Louisiana Highway No. 22, excluding any tributaries thereto from the Bogue Falaya south to Louisiana Highway No. 22.

(50) Pearl Creek - Vernon - From Louisiana Highway III to its entrance into Sabine River.

(51) Whiskey Chitto Creek - Vernon - From the boundary of Fort Polk Military Reservation (Lookout Road) to the Vernon-Beauregard Parish line.

(52) Bogue Falaya River - St. Tammany - the river from its headwaters to Louisiana Highway 437 in the parish of St. Tammany.

(53) Ouachita River - Morehouse, Union - from the north bank of Bayou Bartholomew at its intersection with the Ouachita River to the Arkansas state line.

(54) Bayou Chinchuba - St. Tammany Parish - From the West Causeway approach south to Lake Pontchartrain.

NOTE: *Paragraph (55) as enacted by Acts 1997, No. 141, §1, eff. Jan. 1, 1998, if secretary of Dept. of Wildlife and Fisheries recommends to legislature that river be included in the natural and scenic rivers system.*

(55) Abita River in St. Tammany Parish.

(56) Tangipahoa River--Tangipahoa Parish--From the Interstate 12 crossing to its entrance into Lake Pontchartrain.

(57) Tchefuncte River-St. Tammany-from the Highway 22 bridge to Lake Pontchartrain.

(58) Ouiska Chitto Creek - that portion in Beauregard Parish.

(59) Barnes Creek - from Louisiana Highway 27 to the Calcasieu River in Allen and Beauregard parishes.

(60) Beckwith Creek - from its headwaters to the west fork of the Calcasieu River in Beauregard and Calcasieu parishes.

(61) Bundicks Creek - from its headwaters to Bundicks Lake and from Bundicks Lake to Ouiska Chitto Creek in Vernon, Beauregard, and Allen parishes.

(62) Hickory Branch - from its headwaters to the west fork of the Calcasieu River.

(63) Drake's Creek - Vernon - from Lookout Road to its confluence with Ouiska Chitto Creek located within Vernon Parish.

(64) Bayou Liberty - St. Tammany Parish.

Added by Acts 1970, No. 398, §1. Amended by Acts 1972, No. 352, §1; Acts 1972, No. 590, §1; Acts 1973, No. 85, §1; Acts 1974, No. 146, §1; Acts 1975, No. 213, §1; Acts 1975, No. 655, §1; Acts 1978, No. 333, §1; Acts 1980, No. 592, §1; Acts 1982, No. 263, §1; Acts 1985, No. 606, §2; Acts 1985, No. 237, §1; Acts 1987, No. 792, §1; Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1990, No. 258, §1, eff. July 4, 1990; Acts 1990, No. 310, §1, eff. July 8, 1990; Acts 1990, No. 311, §1, eff. July 8, 1990; Acts 1991, No. 584, §1; Acts 1991, No. 978, §1; Acts 1992, No. 265, §1; Acts 1993, No. 109, §1, eff. May 26, 1993; Acts 1993, No. 1039, §1; Acts 1997, No. 141, §1, eff. Jan. 1, 1998; Acts 1999, No. 491, §1; Acts 1999, No. 823, §1; Acts 2004, No. 175, §1, eff. June 10, 2004; Acts 2008, No. 42, §1, eff. June 5, 2008; Acts 2010, No. 406, §1.

§1848. Planning considerations

A. In all planning for the use and development of water and water-related land resources, full and equal consideration shall be given by all local, state, and federal agencies to the potential natural and scenic river areas; and all river basin reports and project plans should discuss any such potential and all economic evaluations should consider aesthetic values as well as monetary values.

B. No agency of the state government shall authorize or concur in plans of local or federal agencies that would detrimentally affect whether, directly or indirectly, a natural or scenic river or upon which the full and equal consideration of the stream's potential as a natural or scenic area with aesthetic values has not been discussed and evaluated.

Added by Acts 1970, No. 398, §1; Acts 1987, No. 606, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1849. Evaluation and permitting

A. No person shall commence or engage in any activity governed by this Part or any rule pursuant thereto unless a permit is first obtained from the administrator.

B.(1) Prior to any final decision on an application for a permit for those activities that have the potential for significant ecological degradation, a written evaluation of the application may be prepared by the administrator in consultation with the division of administration, the Department of Environmental Quality, and the Louisiana Department of Culture, Recreation and Tourism and with the advice of other agencies that the administrator determines may have an interest in the permit.

(2) The final decision on an application shall be in the form of a written report, shall include any required evaluation, and shall be part of the record of the decision. The report shall include an evaluation of the criteria provided for in this Section. The administrator shall give any required evaluation substantial weight in making the final decision. The administrator shall provide copies of the report with the division of administration, the Department of Environmental Quality, and the Department of Culture, Recreation and Tourism.

C. The criteria for an evaluation of an application for a permit shall consider the impact the activity may have on the characteristics and qualities of the natural and scenic river, including but not limited to the following:

- (1) Wilderness qualities
- (2) Scenic values
- (3) Ecological regimes
- (4) Recreation
- (5) Fish and other aquatic life
- (6) Wildlife
- (7) Historical and archaeological
- (8) Geological
- (9) Botanical
- (10) Water quality as determined by the Department of Environmental Quality
- (11) Cultural
- (12) Economics

D. A person who is denied a permit by the department may institute legal proceedings against the department in the Nineteenth Judicial District Court.

Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 2004, No. 33, §4; Acts 2009, No. 365, §1.

§1850. Rules and regulations

A. The administrator shall have the authority to regulate those activities that may directly and significantly degrade the ecological integrity of a natural and scenic river. The administrator shall adopt rules and regulations pursuant to the Administrative Procedure Act to implement the purposes and requirements of this Part and to regulate uses of a natural and scenic river which may detrimentally affect such natural and scenic river. Specifically, and not in limitation of the foregoing, such rules may regulate the following:

- (1) Crossings by roads, railroads, pipelines, or utilities across any natural and scenic river.
- (2) Sharing of land and air space by such roads, railroads, and utilities.
- (3) Pollution of waters, with the concurrence of the Department of Environmental Quality.
- (4) Prospecting, drilling, and mining for natural resources.
- (5) Structures and buildings.
- (6) Signs or other forms of outdoor advertising that are visible from waters within a natural and scenic river.
- (7) Piers, boat slips, bulkheads, houseboats, and landings.
- (8) Uses, activities, and access.
- (9) Littering.

B. Permits granted for crossings by pipelines or utilities or the sharing of land or air space by such facilities shall be for the useful life of the facility.

Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1997, No. 492, §1; Acts 1999, No. 1269, §1, eff. July 12, 1999.

§1851. Penalties and enforcement

A.(1) The administrator may impose a civil penalty of up to one thousand dollars for each violation of this Part or the rules and regulations adopted under this Part and the administrator may suspend, annul, withdraw, or revoke any permit issued pursuant to this Part for any such violation. Each day on which a violation occurs shall be a separate offense.

(2) Civil penalties may be assessed and the suspension, annulment, withdrawal, or revocation of a permit may be imposed only by a ruling of the administrator based on an adjudicatory hearing held in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

(3) The administrator may institute civil proceedings to enforce his rulings in the district court for the parish in which the violation occurs.

B. The administrator may issue cease and desist orders, compliance orders, and obtain injunctions or other appropriate relief upon determining that a violation of this Part or rules and regulations adopted under this Part or agreements made pursuant to the provisions of this Part has occurred, is occurring, or is about to occur.

C. Unless otherwise provided by this Part, intentional violation of the provisions of this Part constitutes a class three violation, subject to the penalties provided in R.S. 56:33; however, there shall be no forfeiture of anything seized in connection with the violation.

Acts 1987, No. 646, §1; Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 2003, No. 98, §1.

§1852. Privately owned streams; copies of rules

A. Recognizing that some few of the streams recommended for inclusion as natural and scenic rivers may not be state owned but owned by adjacent landowners, the state legislature encourages riparian owners to grant to the system administrator scenic servitudes and surface servitudes.

B. Except as provided in R.S. 56:1853 and R.S. 56:1854, no provision of this Part shall restrict the normal activities of landowners within the boundaries of their own property unless a mutual agreement has been entered into with the system administrator.

C. Any interested party, upon written request to the administrator, shall be provided copies of rules then in effect or thereafter adopted by the administrator pursuant to the provisions of this Part.

Added by Acts 1970, No. 398, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1853. Prohibited uses

Channelization, clearing and snagging, channel realignment and reservoir construction of those rivers and streams included within this system are hereby prohibited. Violations of the provisions of this Section constitute a class six violation, R.S. 56:36.

Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1999, No. 1269, §1, eff. July 12, 1999; Acts 2000, 1st Ex. Sess., No. 54, §2; Acts 2000, 1st Ex. Sess., No. 80, §1.

§1854. Commercial cutting of trees

A. The cutting or harvesting of timber within one hundred feet of the ordinary low water mark of a natural and scenic or historic and scenic river provided for in this Part is prohibited except as follows:

- (1) The selective harvesting of trees for commercial purposes is permitted.
- (2) The cutting of trees for the control of disease or insects is permitted.
- (3) The harvesting of timber for personal use by the person who owns or leases the property is permitted.

B. When trees are cut or harvested, for any purpose, within one hundred feet of the ordinary low water mark of a natural and scenic or historic and scenic river provided for in this Part, the person who owns or leases the property shall be responsible for removing the tree tops from the river.

C. A violation of the provisions of this Section constitutes a class two violation, R.S. 56:32.

Acts 1988, No. 947, §1, eff. July 27, 1988.

§1855. Exceptions

A. Notwithstanding the provisions of R.S. 56:1847(31), nothing contained in this Part shall be construed as repealing, superceding, nullifying, or in any manner whatsoever affecting any power, authority, or jurisdiction which the U.S. Corps of Engineers has over the West Pearl River or Bayou Channel in Pointe Coupee Parish to perform routine maintenance and dredging for navigation and flood control purposes. In addition nothing contained in this Part shall prohibit the Department of Wildlife and Fisheries or the state department having authority over the scenic rivers program from entering into any contract with a private firm to dredge the West Pearl River or Bayou Channel in Pointe Coupee Parish for such purposes.

B. Notwithstanding the provisions of R.S. 56:1847(47) and (49), nothing contained in this Part shall be construed as repealing, superceding, nullifying, or in any manner whatsoever affecting any power, authority, or jurisdiction which the U.S. Corps of Engineers has over Bayou LaCombe and the Tchefuncte River to perform routine maintenance and dredging for navigation and flood control purposes.

C. Nothing in this Part shall be deemed or interpreted to limit, restrict, or repeal any authority granted by law to the Department of Environmental Quality concerning water quality or the Department of Health and Hospitals concerning drinking water quality.

D. Notwithstanding any other law to the contrary, particularly the provisions of this Part, during the period of July 1, 1990 through July 1, 1991, the Sunset Drainage District of St. Charles Parish may excavate fill material from Petit Lac Des Allemands for the purpose of enlarging the existing levee within the jurisdiction of the said drainage district.

E. Notwithstanding any other law to the contrary, particularly the provisions of this Part, the Water District No. 3 of Rapides Parish is hereby authorized to repair or replace the Big Creek Dam in Grant Parish.

F. Notwithstanding the provisions of R.S. 56:1847(8), nothing contained in this Part shall be construed as repealing, superseding, nullifying, or, in any manner whatsoever, affecting any power, authority, or jurisdiction which the U.S. Army Corps of Engineers has over the Comite River to construct the Comite River Diversion Canal and related structures, converging with the waterway near Section 10, Township 5 South, Range 1 East, of the St. Helena Meridian, for the purpose of flood control.

G. No provision of this Part shall prohibit the construction of a hurricane protection levee and associated drainage and pumping facilities within St. Charles Parish that cross Bayou Trepagnier. To the extent necessary for the construction of such levee, those portions of Bayou Trepagnier within the right of way of the levee and to the south of the levee are not subject to the provisions of this Part.

H. No provision of this Part shall prohibit any public waterworks district from performing essential repair and maintenance necessary to maintain normal operations at facilities located on an included river or stream, if such facilities were in operation at the time of such river or stream's inclusion into the Natural and Scenic Rivers system.

I.(1) Notwithstanding other provisions of R.S. 56:1853, snagging operations for drainage purposes in Bayou Chinchuba may be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided for in R.S. 56:1849. The department shall also consider the impact that the method of snagging and the type of equipment, proposed to be used by the applicant, may have on the natural and scenic characteristics and qualities of the bayou.

(2) No provision of this Chapter shall prohibit the construction of any bridge across the Bayou Chinchuba.

(3) Except for the prohibition on channelization and channel realignment provided for by R.S. 56:1853, the provisions of this Chapter shall not apply to those portions of Bayou Chinchuba that flow through lands subject to a conservation easement or servitude with a national or state, nonprofit membership land conservation organization which preserves the natural and scenic characteristics and qualities of the bayou in a manner consistent with the purposes and standards of this Subsection and restricts the harvesting of timber in accordance with the restrictions provided for in R.S. 56:1854.

(4) Any water quality requirements and water degradation standards pertaining to Bayou Chinchuba which may be required by this Chapter shall not be any more stringent than those which were required for Bayou Chinchuba on January 1, 1993.

(5) For any portion of Bayou Chinchuba in which the bayou has disbursed and lost its channel, the bayou shall be defined by the department to be no wider than the average width of the bayou that is outside of the portion that has disbursed and lost its channel. In such portions of the bayou, those waters lying outside of the areas defined by the department shall not be considered to be within a natural and scenic river for the purposes of this Chapter.

J. Notwithstanding other provisions of R.S. 56:1853, snagging and dredging operations for drainage purposes in the Tangipahoa River, from the Interstate 12 crossing to its entrance into Lake Pontchartrain, may be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided for in R.S. 56:1849. The department shall also

consider the impact that the method of snagging and the type of equipment, proposed to be used by the applicant, may have on the natural and scenic characteristics and qualities of the river.

K. Notwithstanding any provisions of law or administrative rule to the contrary, no provision of this Part shall be applicable to those tracts of land located along the banks of the Tchefuncte River between Louisiana Highway No. 22 and Lake Pontchartrain which possess a commercial zoning classification granted by the appropriate local government zoning authority, nor shall the provisions of this Part be applicable to tracts of land located along the banks of such sections of the Tchefuncte River and situated between and in the same ownership as tracts of land which possess a commercial zoning classification granted by the appropriate local government zoning authority.

L. No provision of this Part shall prohibit or require a scenic stream permit for any activity performed under an official state and federal remediation and restoration plan developed for Bayou Trepagnier, when such work is required for the removal, treatment, or isolation of contaminated sediments within or adjacent to Bayou Trepagnier.

M.(1) Notwithstanding the provisions of R.S. 56:1856(B)(2), the department shall permit the construction of flood control projects on Bayou Manchac that include replacing the structures at Alligator Bayou and Frog Bayou; providing a structure for constricting the backwater flow in Bayou Manchac; constructing, elevating, or protecting the road along the south side of Bayou Manchac in the vicinity of and to the west of the Alligator and Frog Bayou water control structures; or any realignment of the lower portion of Ward Creek that flows into Bayou Manchac.

(2) Notwithstanding other provisions of R.S. 56:1853, snagging and dredging operations for drainage purposes in Bayou Manchac shall be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided for in R.S. 56:1849.

(3) No provision in this Chapter shall prohibit the construction of any bridge across Bayou Manchac.

N. Notwithstanding any other provision of R.S. 56:1853 to the contrary, on that portion of Bayou Liberty in St. Tammany Parish which lies to the north of Interstate 12, the removal of accumulated siltation and channel realignment activities for the purpose of restoring natural sinuosity may be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided in R.S. 56:1849. When issuing such permit, the department shall also examine the impact that the method of such work and the type of equipment proposed to be used by the applicant may have on the natural and scenic characteristics and qualities of the bayou.

Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1990, No. 310, §2, eff. July 8, 1990; Acts 1990, No. 311, §2, eff. July 8, 1990; Acts 1991, No. 399, §1, eff. July 10, 1991; Acts 1992, No. 190, §1; Acts 1993, No. 437, §1, eff. June 19, 1993; Acts 1993, No. 1039, §1; Acts 1999, No. 491, §1; Acts 1999, No. 823, §1; Acts 1999, No. 1142, §3; Acts 1999, No. 1269, §4; Acts 2000, 1st Ex. Sess., No. 54, §1; Acts 2000, 1st Ex. Sess., No. 80, §1; Acts 2002, 1st Ex. Sess., No. 66, §1; Acts 2004, No. 50, §1, eff. May 21, 2004; Acts 2004, No. 453, §1; Acts 2009, No. 370, §1; Acts 2010, No. 406, §1.

§1856. Historic and scenic rivers

A. The provisions of this Part shall be applicable to those historic and scenic rivers designated below and full consideration shall be given to the detrimental effect of any proposed action upon the historic and scenic character thereof, as well as the benefits of the proposed use.

B. The following are designated as historic and scenic rivers:

- (1) Bayou St. John within the boundaries of Orleans Parish.
- (2) Bayou Manchac - From the Amite River to the Mississippi River.

Acts 1982, No. 267, §1; Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 2009, No. 370, §1.

PART III. LOUISIANA NATURAL AREAS REGISTRY

§1861. Short title

This Part shall be known as and may be cited as the "Louisiana Natural Areas Registry."

Acts 1987, No. 324, §1, eff. July 6, 1987.

§1862. Legislative findings and purpose

A. The legislature finds and declares that there is a need for additional organized, accessible information to identify and make known the types and locations of plant and animal life, geological areas, and other natural areas in this state, and that a system of protection and management of these areas should be implemented and maintained through a procedure of voluntary action by the owners of the property on which these areas may be located.

B. The legislature states that the purpose of this Part is to establish a registration procedure by which owners of natural areas may voluntarily agree to manage and protect the areas according to rules set forth by the Department of Wildlife and Fisheries and to establish a procedure by which the owners of natural areas may voluntarily agree to convey any or all of their right, title, and interest in such property to the state to be managed and protected by the Department of Wildlife and Fisheries for the people of Louisiana.

Acts 1987, No. 324, §1, eff. July 6, 1987.

§1863. Definitions

For the purposes of this Part, the following words shall have the meaning ascribed herein unless the context shall otherwise require:

(1) "Dedicate" shall mean the transfer to the department of any real right or interest in any natural area to be held for the people of Louisiana in a manner consistent with the provisions, intent, and purposes of this Part.

(2) "Department" shall mean the Department of Wildlife and Fisheries.

(3) "Natural area" shall mean an area of land, water, or air, or combination thereof, which contains an element of the state's natural diversity, including, but not limited to, individual plant or animal life, natural geological areas, unique natural communities, habitats of endangered or threatened species, ecosystems, or any other area of unique ecological, scientific or educational interest.

(4) "Natural area preserve" shall mean a natural area which is voluntarily dedicated.

(5) "Register" shall mean the written or oral agreement between the owner of a natural area and the department for designation of the natural area and for its placement on the register of natural areas by voluntary agreement between the owner of the natural area and the department. The registration of a natural area does not constitute a dedication of the property.

(6) "Register of natural areas" shall mean a listing of natural areas which are being managed by the owner of the natural area according to the rules and regulations of the department.

Acts 1987, No. 324, §1, eff. July 6, 1987.

§1864. Powers and duties of department

The department shall have the following powers and duties:

(1) To utilize inventory data compiled by the Louisiana Natural Heritage Program of the Department of Wildlife and Fisheries concerning the natural areas of the state.

(2) To accept on behalf of the people of Louisiana any right, title, or interest to any natural area.

(3) To establish and maintain a register of natural areas.

(4) To enter into agreements to register natural areas.

(5) To enter into agreements to provide for the department to have a first option to purchase any natural area.

(6) To select natural areas for placement on the register of natural areas or for dedication as a natural area preserve, or both.

(7) To provide for the management and preservation of natural area preserves in accordance with the provisions set forth in the dedication which establish the natural area as a natural area preserve.

(8) To cooperate with any agency of the United States, the state of Louisiana and any other state, any political subdivision of this state and with private persons or organizations to implement the provisions of this Part.

(9) To discharge any other duty or action necessary to implement the provisions of this Part.

Acts 1987, No. 324, §1, eff. July 6, 1987.

§1865. Register of natural areas

The department shall publish and revise at least annually a register of natural areas.

Acts 1987, No. 324, §1, eff. July 6, 1987.

§1866. Registration of natural areas

A.(1) The owner of any natural area may, if the department so agrees, register the natural area by entering into a voluntary oral or written agreement with the department for the owner to manage and protect the natural area according to the rules and regulations promulgated by the department. If the owner agrees to register the area, he shall be given a certificate of registration and shall be committed to manage the area according to the terms of the agreement with the department.

(2) The agreement may be terminated by either party after thirty days written notice. The owner, upon termination, shall surrender the certificate. Any first option to purchase the department may have entered into shall remain with the department unless the department shall relinquish the option in writing.

B. Any property acquired by the department or any other agency of the state or political subdivision thereof pursuant to any other authority in law may be registered according to the provisions of this Part.

Acts 1987, No. 324, §1, eff. July 6, 1987.

§1867. Dedication of natural areas

A. The owner of any natural area may dedicate that area as a natural area preserve by executing with the department an act transferring such portion of the owner's interest in the property as agreed upon by the owner and the department to the department for the people of Louisiana.

B. The department may acquire any natural area by donation, purchase, exchange, devise, or bequest.

C. The department may dedicate any property owned by the department as a natural area preserve by filing and recording an act subjecting the property to the provisions of this Part in the office of the clerk of court in the parish which any or all of the area is located.

D. The property dedicated pursuant to this Part shall be subject to the rules and regulations of the department which:

(1) Require the protection, preservation, management, custody, and use of the natural area preserve in a manner consistent with the intent and purposes of this Part.

(2) Define the rights and privileges of the owner and the department.

(3) Provide for such other provisions as the owner or department shall deem necessary to discharge the provisions of this Part or to complete the transfer.

E. The department shall agree to no such acts which do not provide for the protection, preservation, and management of the natural area in a manner consistent with the intent and purposes of this Part.

F. The department shall be the agency of the state of Louisiana primarily responsible for acquisition of natural area preserves, but no provision of this Part shall be construed to limit the department's authority to acquire other property. Any property acquired by the department or any other agency of the state or political subdivision thereof pursuant to any other authority in law may be dedicated according to the provision of this Part.

G. No provision of this Part shall be construed to limit the authority of any other agency to acquire and dedicate natural areas according to the provisions of this Part.

H. No property dedicated pursuant to this Part may be transferred or assigned by the department or any successor in title unless it is subject to the provisions of this Part and any act which requires the management and preservation of the property in accordance with the intent and purpose of this Part.

Acts 1987, No. 324, §1, eff. July 6, 1987.

§1868. Management, protection and inspection of natural area preserves

A. A natural area preserve is held in trust by the state of Louisiana for present and future generations and shall be managed and protected according to the rules and regulations set forth by the department. A natural area preserve is hereby declared to be at the highest, best, and most important use for the public.

B. The department shall inspect or provide for the inspection at least annually of each natural area preserve to ensure that the provisions of this Part and the terms of the transfer or dedication are being followed.

Acts 1987, No. 324, §1, eff. July 6, 1987.

§1869. Rules and regulations

The department shall adopt rules and regulations to implement the provisions of this Part in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Acts 1987, No. 324, §1, eff. July 6, 1987.

PART IV. THREATENED AND ENDANGERED SPECIES CONSERVATION

§1901. Legislative findings and declarations

The Louisiana Legislature finds:

A. That it is the policy of this state to conserve species of wildlife for human enjoyment, for scientific purposes, and to insure their perpetuation as viable components of this state's economic and ecologic systems;

B. That species of wildlife normally occurring within this state which may be found to be threatened or endangered within the state should be accorded such protection as is necessary to maintain and to enhance their numbers;

C. That the state should assist in the protection of species of wildlife which are determined to be "threatened" or "endangered" elsewhere pursuant to the Federal Endangered Species Act, as concurred in by the Louisiana Wildlife and Fisheries Commission, by prohibiting the taking, possession, transportation, exportation from the state, processing, sale, or offer for sale or shipment within this state of such endangered species, or by carefully regulating such activities with regard to such species. Exceptions to such prohibitions, for the purpose of enhancing the conservation of such species, may be permitted as set forth elsewhere in this Part; and

D. That funding for the conservation of threatened or endangered species may be made available to the Louisiana Department of Wildlife and Fisheries annually by appropriations from the general fund of the state. Additionally, sources other than those normally used by the department to support its present wildlife programs may be utilized, and to that extent the department may enter into cooperative agreements with the proper authorities of the government of the United States, issue and promote the sale of "Endangered Species" stamps or utilize such other methods as are deemed appropriate to accomplish the purposes of this Part.

Acts 1974, No. 473, §1; Acts 1981, No. 736, §1.

§1902. Definitions

For the purpose of this Part:

(1) "Threatened or endangered species" shall mean any species of wildlife determined by the secretary of the Department of Wildlife and Fisheries or by the secretary of the Interior of the United States with concurrence by the Wildlife and Fisheries Commission to be of a class that requires protective regulation to prevent its extinction or the destruction or deterioration of its economic usefulness within this state, presently or in the foreseeable future.

(2) "Wildlife" shall mean all species of wild vertebrates, and invertebrates.

Added by Acts 1974, No. 473, §1. Amended by Acts 1980, No. 595, §1; Acts 1981, No. 736, §1.

§1903. Conservation, study, regulation; authority

A. The Louisiana Department of Wildlife and Fisheries is authorized to conserve resident species of wildlife, and those species determined to be threatened or endangered by the secretary and the secretary of the Interior of the United States, and to formulate conservation programs and plans, to be submitted to the secretary of Interior for review.

B. The Louisiana Department of Wildlife and Fisheries is authorized to conduct investigations on resident wildlife in order to develop information relating to populations, distribution, habitat needs, limiting factors and other biological, economic, and ecological data to determine conservation measures necessary for their continued ability to sustain themselves successfully. On the basis of such determinations the commission may issue regulations designed to assist the continued ability of wildlife deemed in need of conservation to perpetuate themselves successfully. The department may conduct ongoing investigations of wildlife and the commission may from time to time amend such regulations.

C. The commission may establish such programs, including acquisition of land or aquatic habitat or interests therein, as are deemed necessary for the conservation of threatened or endangered species of wildlife. The commission may utilize all vested authority except the power of expropriation to carry out the purposes of this Part.

Added by Acts 1974, No. 473, §1; Amended by Acts 1981, No. 736, §1.

§1904. Threatened or endangered species, determination; notice; lists; regulations

A. Any species of wildlife determined by the secretary of the Louisiana Department of Wildlife and Fisheries to be an endangered or threatened species pursuant to the Federal Endangered Species Act shall be deemed to be an endangered or threatened species under the provisions of this Part.

B. In addition to the species deemed to be endangered or threatened pursuant to the Federal Endangered Species Act, the commission may by regulation determine whether any species of wildlife occurring within this state is an endangered or threatened species because of any of the following factors:

- (1) The present or threatened destruction, modification or curtailment of its habitat or range;
- (2) overutilization for commercial, sporting, scientific, educational or other purposes;
- (3) disease or predation;
- (4) the inadequacy of existing regulatory mechanisms; or
- (5) other natural or man-made factors affecting its continued existence within this state.

C. The secretary may make determinations required by Subsection B of this Section on the basis of the best scientific, commercial, and other data available to it and after consultation, as appropriate, with federal agencies, other interested state agencies, other states having a common interest in the species, and interested persons and organizations. The secretary may not add a species to nor remove a species from any list published pursuant to Subsection D of this Section unless he has first:

(1) Published a notice of such proposed action in conformity with the provisions of the Louisiana Administrative Procedure Act as contained in R.S. 49:951 through R.S. 49:966, as amended.

(2) Allowed at least thirty days following publication for comment from the public and other interested parties; however, that in cases where the department determines that an emergency situation exists involving the continued existence of such species as a viable component of the state's wildlife the department may add species to such lists provided it has published a public notice that such an emergency situation exists together with a summary of facts which support such determination.

In determining whether any species of wildlife is an endangered species or a threatened species, the department shall take into consideration those actions, if any, being carried out or about to be carried out by the federal government, by other states, by other agencies of this state or political subdivisions thereof, or by any other person which may affect the species under consideration.

D. The commission may issue regulations containing a list of all species of wildlife occurring within this state which are determined in accordance with Subsections A through C of this Section to be an endangered or threatened species. Each list shall refer to the species contained therein by scientific and common name or names, if any, and shall specify with respect to each such species over what portion of its range it is endangered or threatened.

Except with respect to species of wildlife determined to be endangered or threatened pursuant to the Federal Endangered Species Act, the commission may upon the petition of an interested person conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to this Subsection, but only if it makes and publishes a public notice that such person has presented substantial evidence which warrants such a review.

E. Whenever any species of wildlife is listed as a threatened or endangered species pursuant to Subsection D of this section, the commission shall issue such regulations as it deems necessary and advisable to provide for the conservation of such species. The commission may, by regulation,

prohibit with respect to any threatened species of wildlife any act prohibited under Subsection F of this section.

F.(1) With respect to any endangered species of wildlife, it is unlawful, except as provided in Subsection G of this section, for any person subject to the jurisdiction of this state to:

- (a) Export any such species from this state;
- (b) Take any such species within this state;
- (c) Possess, process, sell or offer for sale, deliver, carry, transport or ship, by any means whatsoever, any such species;
- (d) Violate any regulation pertaining to the conservation of such species of wildlife listed pursuant to this section and promulgated by the commission pursuant to authority provided by this Part.

(2) Provided that any endangered species of wildlife which enters this state from another state or from a point outside the territorial limits of the United States and which is being transported to a point within or beyond this state may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

G. The department may issue permits under such terms and conditions as it may prescribe pertaining to any act otherwise prohibited by Subsection F of this Section for scientific purposes, regulated taking, or to enhance the propagation or survival of the affected species.

H. Any law, regulation or ordinance of any political subdivision of this state which applies with respect to the taking, importation, exportation, possession, sale or offer for sale, processing, delivery, carrying, transportation or shipment of species determined to be endangered species or threatened species pursuant to this Part is void to the extent that it may effectively (1) permit what is prohibited by this Part or by any regulation which implements this Part, or (2) prohibit what is authorized pursuant to an exemption or permit provided for in this Part or in any regulation which implements this Part. This Part shall not otherwise be construed to void any law, regulation or ordinance of any political subdivision of this state which is intended to conserve wildlife.

Added by Acts 1974, No. 473, §1. Amended by Acts 1981, No. 736, §1.

§1905. Retroactivity; importation

None of the provisions of this Part shall be construed to apply retroactively or to prohibit importation into the state of wildlife which may be lawfully imported into the United States or lawfully taken and removed from another state or to prohibit entry into this state or the possession, transportation, exportation, processing, sale or offer for sale or shipment of any wildlife which has been determined to be an endangered or threatened species in this state but not in the state where originally taken if the person engaging in such activity demonstrates by substantial evidence that such wildlife was lawfully taken and lawfully removed from such state. Provided, however, that this section shall not be construed to permit the possession, transportation, exportation, processing, sale or offer for sale or shipment within this state of species of wildlife determined, pursuant to the Federal Endangered Species Act to be an endangered or threatened species, except as permitted by Subsection G of Section 1904 of this Part.

Added by Acts 1974, No. 473, §1.

§1906. Endangered species stamps

A. In addition to other methods of funding available for implementation of this Part the commission is authorized to issue and promote the sale to the general public of "endangered species"

stamps, which shall be commemorative stamps, and which shall be limited to a maximum price of ten dollars for each stamp purchased.

B. Proceeds from the sale of these stamps shall be transmitted to the state treasurer who shall deposit the funds in a special account to be designated as the "endangered species fund", and which funds shall be used in addition to any other monies available for implementation of this Part.

Added by Acts 1974, No. 473, §1.

§1907. Penalties and enforcement

A. Violation of the provisions of R.S. 56:1904(C) or any regulations issued pursuant thereto constitutes a class four violation.

B. Violation of the provisions of R.S. 56:1904(F), or any regulations issued pursuant to R.S. 56:1904(E), or failure to procure any permit required by R.S. 56:1904(G), or violation of the terms of any such permit constitutes a class six violation.

Added by Acts 1974, No. 473, §1. Amended by Acts 1981, No. 837, §3.

PART V. WILDLIFE HABITAT AND NATURAL HERITAGE TRUST

§1921. Findings, policy, and purposes

The Legislature of Louisiana finds that Louisiana is endowed with a diversity of natural areas having unique ecological systems, plant and animal life, geological formations, wildlife habitats, and scenic beauty that are not found in other parts of the United States. It is hereby declared and established as the policy of Louisiana and the purpose of this Part that these natural areas be conserved, protected and enhanced for the benefit of our citizens and future generations. In furtherance of this policy and to implement the provisions of Article IX, Section 1 of the Louisiana Constitution, there is hereby established the Wildlife Habitat and Natural Heritage Trust for the purpose of acquiring and properly managing such natural areas in Louisiana.

Acts 1988, No. 492, §1, eff. July 9, 1988.

§1922. Acquisition of land

A. The secretary of the Department of Wildlife and Fisheries may acquire land by purchase, exchange, gift or otherwise for additions to the state's portfolio of natural lands, state parks, state forests and wildlife and fishery management areas or because such areas exhibit other important features of the natural landscape that are of interest to the state. In determining whether sites shall be acquired, the secretary shall consider whether the site is:

- (1) Identified as having high priority recreation, forestry, fishery, wildlife or conservation value.
- (2) A prime natural feature of the Louisiana landscape, such as a major river, stream, or bayou, its tributaries and watershed, an island or coastal wetland, a significant littoral, estuarine, or aquatic site or any other important geologic feature.
- (3) A habitat for native plant or animal species which may be threatened or endangered.
- (4) An example of a native ecological community.
- (5) Environmentally significant and is threatened with conversion to incompatible or ecologically irreversible uses.
- (6) Adjacent to a natural and scenic river, stream, or bayou.

B. Prior to its acquisition each site shall be evaluated by the department to determine if threatened or endangered species inhabit or use the site or to determine if the site is of special ecological quality or has other outstanding natural values as a community of living things.

Acts 1988, No. 492, §1, eff. July 9, 1988.

§1923. Wildlife Habitat and Natural Heritage Trust

A. There is hereby established within the treasury a special fund to be known as the "Wildlife Habitat and Natural Heritage Trust", hereinafter referred to as the "trust", the funds of which may be used solely for the purposes of this Part. The secretary of the Department of Wildlife and Fisheries may use the funds deposited to the trust for the purpose of acquiring and managing lands pursuant to this Part. The secretary may accept funds from any source including public and private donations and grants which are to be deposited into the trust.

B. Monies in the trust shall be invested as provided by law. All interest earned on investment of monies in the fund shall be deposited in and credited to the trust. The monies in the trust shall be used solely in accordance with the terms and conditions of the trust and only in the amounts appropriated each year by the legislature. At the end of each fiscal year, all unexpended and unencumbered monies in the trust shall remain in the trust.

Acts 1989, No. 290, §1.

§1924. *Repealed by Acts 2001, No. 1185, §8, eff. July 1, 2001.*

§1925. Management

A. The secretary shall develop a management plan for each site acquired pursuant to this Part. The plan shall identify the significant resources to be conserved consistent with the purposes of this Part and identify the areas with potential for primitive recreation and educational uses. The plan shall specify what types of management activities will be permitted, consistent with the conservation purposes of this Part. The secretary shall make such plans available for review and comment by the public and other state, tribal, and local agencies. The department may hold a public hearing in the vicinity of the site in order to receive the comments.

B. The secretary is authorized to administer lands acquired pursuant to this Part and may enter into management agreements for these areas with other state agencies and local governments, and national, nonprofit membership land conservation organization, pursuant to R.S. 56:1831, when such agreements are consistent with the purposes of this Part and the site management plan. Any moneys derived from the management of these lands or the exploitation of their resources shall be deposited in the Stewardship Account.

Acts 1988, No. 492, §1, eff. July 9, 1988.

CHAPTER 9. HISTORIC ROADS AND SCENIC PARKWAYS

PART I. THE COTE JOYEUSE (THE JOYOUS COAST)

§1941. Purpose

The purpose of this Part is to designate the official route of the Cote Joyeuse, and to designate the Cote Joyeuse as an historic road. It is the intention of the legislature to commemorate this area, through which runs the Cote Joyeuse, as the main route used by nineteenth century planters, their families, and travelers to and from Natchitoches and surrounding points whether by land or water, and also used by steamboats at landings at each plantation.

Acts 1989, No. 467, §1.

§1942. Definitions

As used in this Part, "Cote Joyeuse (Joyous Coast)" means the corridor or road extending from south of the present site of Fort St. Jean Baptiste on either side of the Cane River to the vicinity of Cloutierville, Louisiana.

Acts 1989, No. 467, §1.

§1943. Route of Cote Joyeuse

The route composing the Cote Joyeuse, which is to be used as a route for the enjoyment of tourists of the Cote Joyeuse area, shall consist of the following:

(1) Enter the corridor at the bend of Cane River Lake at Highway 1223 (also known as Rapides Drive or Mill Street) at the site of Fort St. Jean Baptiste State Historic Site, heading south.

(2) Cross the railroad track to Woodyard Drive (also known as Fish Hatchery Road), which intersects Highway 1 south and head east.

(3) At the intersection of Highway 494 and Woodyard Drive, turn right (at home of Mary Cloutier Fulton) and continue.

(4)(a) Turn left at Bermuda Bridge from Highway 494, then right on Highway 119 and continue to the intersection of Highway 119 and Highway 493. At the intersection, turn left to Melrose Plantation and continue on Highway 119 to Derry, ending at Highway 1, or turn right to Cane River Bridge and St. Augustine Church, ending at Highway 1.

(b) At the Bermuda Bridge, instead of crossing, stay on Highway 494 until it intersects with Highway 484, and continue until it intersects with Highway 493 at St. Augustine Church and continue to Highway 1.

(5) Follow Highway 1 south to Cloutierville, and turn left on Highway 495 across the Cane River Bridge, past Bayou Folk Museum and continue in a circle back to Highway 1.

(6)(a) Enter from the intersection of Highway 1 south and Keyser Avenue and continue east on Highway 494 until crossing Pratt's Bridge, near Pointe Place. Turn left and continue to the intersection of Woodyard Drive and Highway 494 (described in Subsections 3 and 4 of this Section).

(b) At Pratt's Bridge, instead of crossing, turn left and follow Bermuda Road (Parish Road), where it circles and reaches the foot of Bermuda Bridge.

Acts 1989, No. 467, §1; Acts 1999, No. 709, §3.

PART II. THE HIGHLAND ROAD

§1946. Highland Road; designation

The purpose of this Part is to designate the Highland Road in East Baton Rouge Parish as an historic road and scenic parkway. It is the intention of the legislature to commemorate the area, once known as the Dutch Highlands, through which runs the Highland Road, as an area settled under Spanish rule, in what was then West Florida, by settlers of predominantly German ancestry, beginning in 1785; being an area bounded on its southerly side by Bayou Fountain; being the first high land along the Mississippi River north of the Gulf of Mexico, which was developed as farm land and plantations; through which the winding, scenic Highland Road began over two hundred years ago to connect the homes of the early settlers with each other, and to provide access to the village of Baton Rouge; and along Highland Road there have endured to the present time homes built late in the eighteenth century and early in the nineteenth century in the distinctive Louisiana manner of cypress half-timbers and bousillage; and which has retained much of its pastoral beauty and residential character.

Acts 1989, No. 467, §1.

§1947. Definitions

As used in this Part, the "Highland Road" means the road extending, on its northerly terminus, from South Boulevard in Baton Rouge to the road's point of junction with Jefferson Highway at the southerly terminus of the road, all of which is designated an historic road. The portion of the Highland Road extending from the north gate of Louisiana State University to the point of junction with Jefferson Highway is designated a scenic parkway.

Acts 1989, No. 467, §1.

PART III. LOUISIANA BYWAYS**§1948.1. Purpose**

The promotion of the tourism industry and the creation of business development opportunities in the state of Louisiana are significant factors in the overall economic development of the state. The Louisiana Byways Program is established to designate and develop educational, historical, recreational, cultural, natural, and scenic routes along Louisiana's highways. The Louisiana Byways Program is not intended to, and specifically does not, restrict the powers of local governments to regulate land uses along highways designated as Louisiana Byways nor the rights of private persons to develop, construct, and use real property and structures adjacent to such highways.

Acts 1991, No. 588, §1; Acts 2003, No. 999, §2.

§1948.2. Definitions

A "Louisiana Byway" is defined as a state or local road designated by the state of Louisiana which represents the best the state has to offer as a recreational and educational experience to visitors desiring to view natural and man-made scenic resources, to experience the culture of the state, or to understand the history of the state.

Acts 1991, No. 588, §1.

§1948.3. Criteria

The Department of Transportation and Development shall approve a byway route. To be designated as a Louisiana Byway, a road shall be evaluated as to its compliance with all of the following criteria:

- (1) Potential to draw a large number of people off the principal arterial.
- (2) Effectiveness of route to appeal to a varied audience.
- (3) Close proximity of recreation opportunities to designated byway.
- (4) An established corridor management plan.
- (5) Extent of local commitment to make byway successful.
- (6) At least two significant intrinsic qualities with educational, historical, recreational, cultural, natural, or archeological value.
- (7) Frequency of special events and festivals along the byway route.
- (8) Opportunities to further develop tourist attractions along the designated byway route.
- (9) Adequate accommodations along the byway route.

Acts 1991, No. 588, §1; Acts 2003, No. 999, §2.

§1948.4. Regional development; legislative committee approval

A. Any byway suggested to be included in the Louisiana Byways Program shall:

(1) Meet the criteria provided for in R.S. 56:1948.3. However, any district may develop additional criteria specific to its area to determine potential byway routes.

(2) Have approval of Louisiana Byways Commission within the Department of Culture, Recreation and Tourism.

(3) Have approval of the Department of Culture, Recreation and Tourism.

(4) Have approval of the Department of Transportation and Development based upon the adequacy and safety of the proposed routes to meet the needs of the increased volume and variety of traffic on the byway.

B. After approval by the Louisiana Byways Commission, the Department of Culture, Recreation and Tourism, and the Department of Transportation and Development, a proposed byway shall be presented to the House and Senate Committees on Transportation, Highways and Public Works by the recommending agent and shall be approved by a majority of the members of each committee prior to its inclusion in the Louisiana Byway Program.

C. The Department of Transportation and Development shall maintain and update, on a regular basis, a listing of the Louisiana Byways approved by the House and Senate Committees on Transportation, Highways and Public Works.

Acts 1991, No. 588, §1; Acts 2003, No. 999, §2.

§1948.5. Louisiana Byways designations

The following highways and sections of highways are hereby designated as Louisiana Byways:

(1) LA 1 from Labadieville in Assumption Parish north to the north end of Pointe Coupee Parish.

(2) LA 10 from the east boundary of Pearl River in Washington Parish west to New Roads in Pointe Coupee Parish.

(3) LA 21 from US 190 in St. Tammany Parish north to LA 10 in Washington Parish.

(4) LA 22 from US 190 in St. Tammany Parish west to LA 44 in Ascension Parish.

(5) LA 30 from I-10 in East Baton Rouge Parish southeast to LA 44 in Ascension Parish.

(6) LA 43 from LA 22 in Livingston Parish north to LA 10 in St. Helena Parish.

(7) LA 44 from LA 30 in Ascension Parish south to LA 70 in St. James Parish.

(8) LA 70 from LA 44 in St. James Parish west to LA 1 in Assumption Parish.

(9) LA 77 from US 190 in Pointe Coupee Parish to LA 1 in Iberville Parish.

(10) LA 78 from US 190 in Pointe Coupee Parish north to LA 1 in Pointe Coupee Parish.

(11) LA 308 from Labadieville in Assumption Parish north to LA 70 in Assumption Parish.

(12) LA 433 from I-10 in St. Tammany Parish northwest to US 11 in St. Tammany Parish.

(13) US 11 from LA 433 in St. Tammany Parish north to US 190 in St. Tammany Parish.

(14) US 51 from LA 38 in Tangipahoa Parish south to LA 10 in Tangipahoa Parish.

(15) US 51 from LA 10 at Arcola in Tangipahoa Parish north to LA 10 intersection at Fluker in Tangipahoa Parish.

(16) US 61 at the Mississippi state line in West Feliciana Parish south to US 190 in East Baton Rouge Parish.

- (17) US 190 from US 11 in St. Tammany Parish west to LA 21 in St. Tammany Parish.
- (18) US 190 from LA 1 at Port Allen in West Baton Rouge Parish west to LA 1 in Pointe Coupee Parish.
- (19) US 190 and US 61 Business from US 61 in East Baton Rouge Parish south to LA 30 in East Baton Rouge Parish.
- (20) The Jean Lafitte Scenic Byway: LA 82 east from Grand Chenier to Abbeville; LA 167 from Abbeville to US 90 in Lafayette; LA 14 west from New Iberia to Holmwood; and LA 27 south from Holmwood to Creole. LA 182 south from US 167 in Lafayette to the intersection of LA 182 with LA 89 in Lafayette; LA 182 south from LA 89 in Lafayette to LA 14 in New Iberia.
- (21) The Mississippi River Road, east bank, from within Jefferson Parish west to East Baton Rouge Parish, which includes the following:
- (a) LA 48 at LA 49 from Kenner in Jefferson Parish west to LA 628 at the St. John the Baptist Parish line.
 - (b) LA 628 in St. John the Baptist Parish west to LA 44 in LaPlace, extending west on LA 44 to the junction of LA 942 in Burnside, Ascension Parish.
 - (c) LA 942 in Burnside west to LA 75 in Darrow, Ascension Parish.
- (22) The Mississippi River Road, west bank, from within Jefferson Parish west to Iberville Parish, which includes the following highways and sections of highways LA 18 from the Huey Long Bridge in Bridge City, Jefferson Parish west to LA 1 in Donaldsonville in Ascension Parish.
- (23) LA 49 in Kenner at junction of US 61 north to Veterans Memorial Boulevard, then west to Loyola Drive, then north to Jefferson Parish Tourist Information Center on I-10.
- (24) US 51 north from LA 44 to the Tangipahoa Parish line.
- (25) LA 643 east from the St. James Parish line to Lac des Allemands.
- (26) Main Street, Garyville National Historic District north from LA 44 to Railroad Avenue, Garyville.
- (27) LA 644 east from LA 20 in South Vacherie to the St. John the Baptist Parish line.
- (28) LA 20 south from LA 641 to the Lutchet-Vacherie Ferry then south to the Lafourche Parish line.
- (29) LA 641 north from LA 44 to junction of I-10.
- (30) LA 70 north from the St. James Parish line to LA 22.
- (31) LA 22 north from LA 44 to I-10.
- (32) LA 44 north from LA 942 to I-10.
- (33) LA 3251 north from LA 75 to LA 30.
- (34) LA 1 from Labadieville in Assumption Parish south to Grand Isle in Jefferson Parish.
- (35) LA 24 from Thibodaux in Lafourche Parish to Larose in Lafourche Parish.
- (36) *Repealed by Acts 2003, No. 287, §2.*
- (37) LA 307 from LA 20 in Lafourche Parish south to LA 3199 in Lafourche Parish.
- (38) LA 56 from US 90 in Terrebonne Parish south to Cocodrie in Terrebonne Parish.
- (39), (40) *Repealed by Acts 2003, No. 287, §2.*

(41) LA 308 from Labadieville in Assumption Parish south to Golden Meadow in Lafourche Parish.

(42), (43) *Repealed by Acts 2003, No. 287, §2.*

(44) LA 311 from LA 24 in Terrebonne Parish south to US 90 in Terrebonne Parish.

(45) *Repealed by Acts 2003, No. 287, §2.*

(46) Louisiana Highway 93 from Grand Coteau in St. Landry Parish west to Sunset in St. Landry Parish; from Sunset south through Scott in Lafayette Parish to the Acadian Village at the intersection of Ambassador Caffery Parkway in Lafayette Parish.

(47) Louisiana Highway 27 beginning at Sulphur in Calcasieu Parish, south to Hollybeach in Cameron Parish at the junction with Louisiana Highway 82; Louisiana Highway 82 west to the Texas state line, and east to Louisiana Highway 27/82 to Creole, south on Louisiana Highway 27 to Oak Grove, east on Louisiana Highway 82 to the Vermilion Parish line; Louisiana Highway 385 south beginning at the intersection of McNeese Street in Calcasieu Parish to Louisiana Highway 384 proceeding east to Louisiana Highway 27 and proceeding south on Louisiana Highway 27 to Creole.

(48) The Louisiana's Promised Land Bayou/Basin Route to Our Cultural Roots:

(a) LA 686 beginning in the town of Arnaudville at the St. Landry-St. Martin Parish line, thence following LA 686 along said parish line in an easterly direction, thence continuing on LA 686 in a southerly direction to its intersection with LA 347 and LA 678 east of the community of Cecilia and north of I-10 in St. Martin Parish.

(b) LA 347 beginning with its intersection with LA 686 and LA 678 north of I-10 and east of the community of Cecilia in St. Martin Parish and following a southerly direction to its intersection with LA 352 south of I-10 in St. Martin Parish.

(c) LA 352 at its intersection with LA 347 south of I-10 and west of the town of Henderson, thence following LA 352 in an easterly direction to its intersection with the corporate limits of the town of Henderson, thence continuing in a westerly direction through the town of Henderson to its intersection with the West Atchafalaya Guide Levee Road (also referred to as Henderson Levee Road), in St. Martin Parish.

(d) St. Martin Parish Road referred to as West Atchafalaya Guide Levee Road (also referred to as Henderson Levee Road, Catahoula Levee Road, and Bayou Benoit Levee Road) beginning at its intersection with LA 352 in the town of Henderson in St. Martin Parish thence in a southerly direction to its intersection with the St. Martin-Iberia Parish line and continuing in a southerly direction to Lake Fausse Pointe State Park/St. Martin-Iberia Parish line.

(e) LA 96, beginning at its intersection with the West Atchafalaya Guide Levee Road in the community of Catahoula in St. Martin Parish, thence in a westerly, southerly and westerly direction to the city of St. Martinville, thence continuing through the city of St. Martinville and continuing in a westerly direction to the St. Martin-Lafayette Parish line and continuing in a westerly direction to its intersection with LA 182 and U.S. 90 in Lafayette Parish.

(f) LA 31 at its intersection with the St. Martin-St. Landry Parish line in the town of Arnaudville at the northern boundary of St. Martin Parish, thence in a southerly direction to the city of Breaux Bridge, continuing through the city of Breaux Bridge and continuing in a southerly direction through the village of Parks, continuing southerly to the city of St. Martinville, continuing through the city of St. Martinville to the southern boundary of St. Martin Parish, being the St. Martin-Iberia Parish line.

(g) LA 92 from its intersection with LA 31 south of the city of St. Martinville, St. Martin Parish, following a westerly direction to its intersection with LA 182 in the community of Cade in St. Martin Parish.

(h) LA 182 at its intersection with the Iberia-St. Martin Parish line, thence in a northwesterly direction through the parish of St. Martin to its intersection with the St. Martin-Lafayette Parish line.

(i) LA 328 from its intersection with I-10 at the northern corporate limits of the city of Breaux Bridge, St. Martin Parish, thence in a southerly direction within the city of Breaux Bridge to its intersection with Bridge Street in the corporate limits of Breaux Bridge.

(j) Bridge Street in the corporate limits of the city of Breaux Bridge, St. Martin Parish, at its intersection with LA 31 in an easterly direction to its intersection with LA 328.

(k) LA 94 at its intersection with LA 328 in the corporate limits of the city of Breaux Bridge, St. Martin Parish, thence in a westerly direction to the St. Martin-Lafayette Parish line.

(49) Bayou Byways: Beginning on LA 1090 at the I-59 Pearl River exit south on LA 1090 for 6.7 miles then east on LA 190 for 3.7 miles and west on LA 90 for 1.8 miles then west on LA 433 for 9.4 miles back to I-10.

(50) Louisiana's Bayou Teche Scenic Byways:

(a) LA 182 from Iberia Parish Line to Adeline.

(b) LA 326 from Adeline to Baldwin.

(c) LA 182 from Baldwin to Calumet.

(d) LA 90 to Calumet to LA 182 - Patterson, Berwick.

(e) LA 90/182 from Patterson to Berwick at LA 182, from Berwick to Morgan City.

(f) LA 318 from its intersection with LA 182 to LA 83 to LA 319 to Cypremort Point.

(g) LA 317 from its intersection with LA 182 to Burns Point.

(h) Connect LA 70 with its intersection with US 90 to Stephenville.

(i) Connect LA 90 from Morgan City to the Terrebonne Parish Line.

(51) Iberia Parish Bayou Browsing Scenic Byways:

(a) LA 182 from St. Mary to St. Martin Parish lines.

(b) LA 31 from St. Martin Parish/Iberia Parish line to LA 182 in New Iberia.

(c) LA 83 at its intersection with LA 14 in Iberia Parish to its intersection with LA 319.

(d) LA 86 through the village of Loreauville from LA 182 to LA 31.

(e) LA 87 from its intersection with LA 86 to the St. Mary Parish line.

(f) LA 345 at its intersection with LA 86 to LA 679, continue on LA 679 to Iberia/St. Martin Parish line.

(52) Bienville Trace I:

(a) LA 2 from Union and Claiborne Parish line in the west to US 65 in the east, this route being called the Bienville Trace.

(b) US 80 from the Ouachita and Lincoln Parish line in the west to the state of Mississippi in the east.

(c) LA 4 from Jackson and Bienville Parish line in the west to its junction with LA 559, continuing on LA 559 to Enterprise in the east.

(d) LA 34 from the Endom Bridge in Monroe in the north to LA 557, from LA 557 to LA 4 at Vixen, from LA 4 at Vixen to LA 849, from LA 849 to LA 126 at Holum with an extension to

Copenhagen Historic Site, from LA 126 at Holum to the Caldwell and LaSalle Parish line in the south.

(e) LA 137 from the north boundary of the Rayville town limits to LA 135, from LA 135 to LA 618, from LA 618 to LA 4 Winnsboro, from LA 4 Winnsboro to LA 128, from LA 128 to LA 605 at Saint Joseph, from LA 605 to the state of Mississippi line in the south.

(f) LA 134 starting at LA 65 in the north to LA 17 at Epps with an extension to the Poverty Point State Historic Site on LA 577, from LA 17 at Epps to the I-20 at Delhi in the south.

(g) LA 142 from the state of Arkansas line in the north to LA 593, from LA 593 to Collinston, from Collinston to LA 138, from LA 138 to LA 554 at Perryville in the south.

(h) US 65 from the state of Arkansas line in the north to LA 605, then on LA 605 to LA 604, then LA 604 to LA 128, then LA 128 to US 65 and continuing south on US 65 to the Mississippi state line.

(53) Bienville Trace II:

(a) LA 2 from the Texas line to the Claiborne Parish/Union Parish line this section to be named the Bienville Trace.

(b) LA 1 from Arkansas line south to I-220.

(c) LA 3 from Arkansas line south to I-220.

(d) LA 159 from Arkansas line south to I-20.

(e) LA 9 from Arkansas line south to I-20.

(54) Jean Lafitte Scenic Byways:

(a) LA Highway 26 south beginning at I-10, Exit 64 in Jennings, south to LA 14 in Lake Arthur.

(b) LA 14 in New Iberia to LA 182.

(55) Tunica Trace Scenic Byways: LA 66 in West Feliciana Parish from intersection with LA 61 to the Louisiana State Penitentiary at Angola.

(56) LA 191 from US 84 in DeSoto Parish south to the state line between Texas and Sabine Parish at the Toledo Bend Reservoir Dam.

(57) Myths and Legends Byway:

(a) LA 8 from the Texas/Louisiana border eastward to its intersection with LA 111 southward to its intersection with US 190.

(b) US 190 from the Texas/Louisiana border to the intersection of US 190.

(c) LA 112, east along LA 112 to the intersection.

(d) LA 113 in Sugartown, northeasterly from Sugartown to the intersection.

(e) LA 10 in Pitkin then southeasterly along LA 10 to the intersection with US 165 in Oakdale.

(58) LA 70 from Interstate 10 in Ascension Parish to LA 44 in St. James Parish.

(59) Louisiana Colonial Trails Scenic Byway:

(a) LA 115 from its intersection at LA 28 East (Catahoula Lake Road) south to its intersection with LA 107.

(b) LA 107 from its intersection with US 167 in Pineville south to Morrow.

(c) LA 451.

(d) LA 29 from its intersection with LA 115 at Bunkie to its intersection with LA 451.

- (e) LA 124 south from Harrisonburg to its intersection with US 84 at Jonesville.
- (f) LA 15 at Sicily Island south through Concordia Parish to Lettsworth; LA 8 from Harrisonburg to Sicily Island at its intersection with LA 15.
- (g) LA 8 at Jena, south and crossing Little River, with the historic and local name of Thompson Ferry Road, through Pollock to its intersection with LA 158 and LA 8 at Colfax.
- (h) LA 6 from the Texas border through Many and Natchitoches to its intersection with US 84 at Clarence.
- (i) LA 496 (Bayou Rapides Road) from MacArthur Drive to its intersection with LA 1200 (Hot Wells Road); north on LA 1200 to its intersection with LA 8 in Colfax.
- (j) LA 28 West from Alexandria, continuing on LA 8 (Nolan's Trace) west through Leesville and west on LA 8 to the Texas border.
- (k) US 84/65 from the Mississippi state line at Vidalia through Winnfield to its intersection with LA 6.
- (l) LA 124 from Harrisonburg to its intersection with LA 126 and LA 126 north into Caldwell Parish to existing Scenic Byway of LA 126 in Caldwell Parish.
- (60) Zydeco Cajun Prairie Scenic Byway:
 - (a) US 167 from Interstate 49 to Turkey Creek.
 - (b) US 167 from Turkey Creek southeast to LA 106 (Bayou Chicot).
 - (c) LA 3187 northwest from Pine Prairie to Crooked Creek Recreation Area.
 - (d) LA 13 from Turkey Creek to the northern town limits of Mamou.
 - (e) LA 29 from Ville Platte south to LA 95 at Chataignier.
 - (f) LA 29 from LA 95 south to the northern city limits of Eunice at LA 13.
 - (g) LA 13 from US 190 south to Oak Street in the city of Eunice.
 - (h) LA 13 from the southern city limits of Eunice south to the northern city limits of Crowley.
 - (i) LA 13 from the southern city limits of Crowley south to LA 92.
 - (j) LA 92 from LA 13 east to LA 35 north.
 - (k) LA 182 north from LA 10 to Washington.
 - (l) LA 10 from Washington northeast to LA 105 at Melville.
 - (m) US 167 east from Nuba to Interstate 49.
 - (n) LA 105 from LA 10 south to US 190.
 - (o) LA 106 east from US 167 (Bayou Chicot) to Interstate 49.
 - (p) LA 3042 from LA 106 south to LA 10.
 - (q) LA 95 from LA 13 south to LA 29 at Chataignier.
 - (r) US 190 from the eastern city limits of Eunice east to LA 95.
 - (s) LA 95 from US 190 south to the northern city limits of Church Point.
 - (t) LA 35 from the southern city limits of Church Point south to the northern city limits of Rayne.
 - (u) LA 35 from the southern city limits of Rayne south to LA 92.
 - (v) LA 182 from LA 10 south to the northern city limits of Opelousas.

(w) LA 182 from the southern city limits of Opelousas south to LA 93.

(x) LA 93 from LA 182 east to LA 31 at Arnaudville.

(y) LA 31 from Arnaudville north to LA 103 at Leonville.

(z) LA 103 from Leonville north to LA 182 at Washington.

(aa) LA 103 from Interstate 49 northwest to Grand Prairie.

(bb) LA 363 from Grand Prairie west to US 167 at Ville Platte.

(61) San Bernardo Scenic Byway: (a) LA 30 (old LA 46) from LA 39 (Judge Perez Drive) to LA 46 (Florissant LA).

(62) Wetlands Cultural Trail (formerly known as the Lafourche/Terrebonne Scenic Byway): (a) LA 1 (Raceland) from a point located 1,120 feet north of Wilson Street, south to LA 655/LA 1 (Raceland, south through Lockport) - Total of 9.82 miles.

(63) Cane River National Heritage Trail Scenic Byway:

(a) LA 6 beginning at the Washington Front Street to the intersection of Pavie Street and one block south of the intersection of LA 1.

(b) East on Church Street to Keyser Avenue LA 494.

(c) West on Keyser Avenue to the intersection of LA 119.

(d) LA 119/494 to the divergence of the roads at Oakland Plantation Bridge.

(e) LA 119 until its intersection with LA 1.

(f) East at LA 1 towards Derry and continues on LA 1 to its intersection with LA 490 where the road becomes LA1/490.

(g) LA 1/490 to Gilbraith where LA 490 turns north.

(h) LA 1 to Lena.

(i) Beginning at the Allen Exit on I-49 North of Natchitoches traveling west and south along LA 485 to LA 6 and returning east to Natchitoches.

Acts 1991, No. 588, §1; Acts 1992, No. 230, §1. Acts 1993, No. 216, §1; Acts 1993, No. 221, §1; Acts 1993, No. 272, §1; Acts 1995, No. 244, §1; Acts 1995, No. 741, §1; Acts 1997, No. 71, §1; Acts 1999, No. 709, §3; Acts 2003, No. 287, §§1 and 2; Acts 2010, No. 311, §1.

§1948.6. Signage; official state map designation; official logo

A. The Department of Transportation and Development may erect appropriate signs along the route of those highways or sections of highways designated herein, indicating that these highways or sections of highways have been designated as Louisiana Byways.

B. The Department of Transportation and Development may identify all highways designated herein as Louisiana Byways on any official state highway maps prepared and distributed by the department.

C. The official logo of the Louisiana Byways Program shall be used as the logo to identify the more than five hundred miles designated as the original Louisiana Byways routes. Such logo shall be used on appropriate signage and official state highways maps to indicate those routes designated as Louisiana Byways.

Acts 1991, No. 588, §1; Acts 1992, No. 143, §1, eff. June 5, 1992; Acts 2008, No. 129, §1, eff. June 6, 2008.

§1948.7. Exclusions from Louisiana Byway designation

A. Any section of the roads designated in this Part as a Louisiana Byway, which is adjacent to land zoned commercial or industrial or upon which is located one or more permanent structures at which commercial or industrial activity is conducted, shall be excluded from the scenic byway designation, except for official signage, mapping, and other purposes solely to preserve system continuity, unless the recommending body requests specific inclusion of such section and the House and Senate Committees on Transportation, Highways and Public Works, with the concurrence of the secretaries of the Department of Culture, Recreation and Tourism and of the Department of Transportation and Development, finds that such section meets the criteria of R.S. 56:1948.3.

B. If, however, the Federal Highway Administration formally expresses its objection to this process of automatic exclusion, and if such objection is directed to the state of Louisiana in writing, and if such objection also initiates official sanctions which would result in the loss of National Highway System apportionment or any past or pending grants to the state for the purpose of scenic byways, then the exclusion in Subsection A is null and void. The Department of Transportation and Development shall notify the Department of Culture, Recreation and Tourism and the Senate and House committees on transportation, highways and public works of such action and the following process shall be substituted in lieu of Subsection A of this Section: Any section of those roads, designated in this Part as a Louisiana Byway, which is adjacent to land zoned commercial or industrial or upon which is located one or more permanent structures at which commercial or industrial activity is conducted, may be excluded from the scenic byway designation if a recommendation for exclusion is presented to the secretary of the Department of Culture, Recreation and Tourism. The secretary of the Department of Culture, Recreation and Tourism is hereby authorized to promulgate rules and regulations in accordance with the Administrative Procedure Act. Such rules and regulations, subject to the oversight of the House and Senate committees on transportation, highways and public works, shall set forth the procedure which must be followed and the criteria which must be met in order for such segments to be excluded from the Louisiana Byways system.

C. Any section of the road designated as a Louisiana scenic highway, which is located in one or more parishes with a population less than forty thousand, which is under the authority of a police jury form of government, and which includes State Highway 6, from its connection with State Highway 171 in Many, east through Natchitoches to its intersection with State Highway 84, east to the LaSalle Parish line, shall be excluded from the scenic byway designation.

Acts 1995, No. 244, §1; Acts 1995, No. 741, §1; Acts 1999, No. 1353, §1; Acts 2003, No. 999, §2.

PART III-A. LOUISIANA BYWAYS COMMISSION**§1948.11. Creation of the Louisiana Byways Commission; jurisdiction; purpose**

A. The Louisiana Byways Commission is hereby created. The jurisdiction of the commission shall be comprised of all territory within the state of Louisiana.

B. The purpose of the commission is to preserve, enhance, and promote special roads within the Louisiana Byways Program that offer historical, cultural, scenic, natural, archeological, recreation, and economic resources for the state.

Acts 2003, No. 999, §2.

§1948.12. Board of commissioners

A.(1) The commission shall be a board of nine members as follows:

(a) The lieutenant governor or his designee.

- (b) The secretary of the Department of Transportation and Development or his designee.
- (c) The secretary of the Department of Culture, Recreation and Tourism or his designee.
- (d) The assistant secretary of the office of state parks or his designee.
- (e) The assistant secretary of the office of tourism or his designee.
- (f) The assistant secretary of the office of cultural development or his designee.
- (g) The chairman of the House Committee on Transportation, Highways and Public Works or his designee.
- (h) The chairman of the Senate Committee on Transportation, Highways and Public Works or his designee.
- (i) The Department of Transportation and Development highway construction/maintenance manager or his designee.

(2) The lieutenant governor or his designee shall serve as the chairman of the commission.

B. A majority of the membership of the commission shall constitute a quorum for the transaction of business.

C. The commission shall prescribe rules to govern the scheduling and conduct of its meetings.

D. The commission may appoint a Louisiana Byways Program coordinator to oversee the operations of the commission as provided in R.S. 56:1948.13 and an additional program employee. The program coordinator and the additional program employee shall constitute the two positions for which provision is made in Article X, Section 2(B)(7) of the Constitution of Louisiana.

Acts 2003, No. 999, §2.

§1948.13. Powers of the commission

A. The commission shall be an agency in the executive branch of state government in the Department of Culture, Recreation and Tourism.

B. The commission shall have the following powers:

(1) To make recommendations for additions or deletions of highways or segmentation of highways in the Louisiana Byways Program.

(2) To make recommendations regarding priorities for byways grants.

(3) To develop promotional materials and campaigns of all types in support of the Louisiana Byways Program.

(4) To adopt and promulgate rules in accordance with Administrative Procedure Act to effectuate the provisions of this Chapter. All rules prescribed by the commission relative to the Louisiana Byways Program shall be subject to oversight by the House and Senate Committees on Transportation, Highways and Public Works.

Acts 2003, No. 999, §2.

PART IV. OLD PERKINS ROAD

§1949. Old Perkins Road; designation

The purpose of this Part is to designate a part of the Old Perkins Road in East Baton Rouge Parish and in Ascension Parish as a historic road. It is the intention of the legislature to commemorate this area, once sought after by early landowners for its rich soil; intersected by historic

Bayou Manchac, known in its early days as Iberville Bayou; developed as dairy land by the Kleinpeter family who continue to this day to operate the Kleinpeter Dairy on the same location; and original home to the Old Santa Maria Dairy developed on this picturesque Old Perkins Road which began as a main artery to provide a transportation route for early settlers to connect Ascension Parish to the village of Baton Rouge, and which has, with its splendorous flora, retained the beauty reminiscent of an earlier era.

Acts 1997, No. 705, §1.

§1950. Definitions

As used in this Part the "Old Perkins Road" means the road officially designated as Louisiana Highway 427 extending from its southern terminus with Highland Road at Interstate 10 in East Baton Rouge Parish, traveling southeast through East Baton Rouge Parish and crossing the historic Iberville Bayou, now known as Bayou Manchac, traveling southerly into Ascension Parish and ending at its terminus with Louisiana Highway 61, referred to as the Airline Highway, all of which is designated as a historic road.

Acts 1997, No. 705, §1.

PART V. LOUISIANA GREAT RIVER ROAD

§1950.1. Purpose

The purpose of this Part is to include the Louisiana Great River Road in the Louisiana Byways Program. Inclusion of the Louisiana Great River Road in this program will promote and preserve the Mississippi River corridor as a historic, cultural, scenic, and economic resource for the state of Louisiana. The addition to the current Louisiana byway route will incorporate the entire Great River Road from the northern-most point at the Louisiana/Arkansas state line to the southern-most roadway in Venice, Louisiana.

Acts 2003, No. 969, §1.

§1950.2. Route of the Louisiana Great River Road

A. The west bank route of the Louisiana Great River Road, which is to be used as a route for the enjoyment of tourists, shall consist of:

(1) In East Carroll Parish, south on US Highway 65 from the Arkansas/Louisiana state line to the Madison Parish line.

(2) In Madison Parish, US Highway 65 south to the Tensas Parish line.

(3) In Tensas Parish, US Highway 65 south to the Concordia Parish line.

(4) In Concordia Parish, US Highway 65 south to Ferriday; LA 84 east from Ferriday to Vidalia; LA 131 south from Vidalia to LA 15; LA 15 south to Pointe Coupee Parish.

(5) In Pointe Coupee Parish, LA 15 south to LA 1; LA 1 south through New Roads to LA 416; LA 416 east to LA 415; LA 415 to West Baton Rouge Parish.

(6) In West Baton Rouge Parish, LA 415 becomes LA 986 to Port Allen; turn right on Rosedale Road, go two blocks and turn left on North Jefferson Street; proceed 11 blocks and turn left on Court Street; proceed four blocks to LA 986; proceed on LA 986 to Oaks Avenue; proceed on Oaks Avenue to Alexander Avenue; turn right, then left onto Avenue G; take Avenue G to LA 1; turn left on LA 1 to Beaulieu Lane, then Beaulieu Lane to LA 988; follow LA 988 through Brusly to Iberville Parish.

(7) In Iberville Parish, proceed on LA 988 to LA 1 in Plaquemine, heading south; turn left onto LA 75 and proceed to LA 405; take LA 405 through White Castle into Ascension Parish.

(8) In Ascension Parish, take LA 405 to LA 1 in Donaldsonville; proceed on LA 1 through Donaldsonville to LA 18; proceed on LA 18 into St. James Parish.

(9) In St. James Parish, proceed on LA 18 through Vacherie, passing under the Sunshine Bridge and into St. John Parish.

(10) In St. John Parish, proceed on LA 18 through Edgard and to St. Charles Parish.

(11) In St. Charles Parish, proceed on LA 18 through Hahnville, Luling, and Ama to Jefferson Parish.

(12) In Jefferson Parish, proceed on LA 18 through Waggaman to LA 541, continuing on LA 541 through Bridge City, passing under the US Highway 90 Mississippi River Bridge; continue on LA 541 through Marrero and Harvey, reconnecting to LA 18; proceed on LA 18 to LA 23 south to Plaquemines Parish.

(13) In Plaquemines Parish, proceed south on LA 23 to Belle Chasse, following LA 23 south to Venice.

B. The east bank route of the Louisiana Great River Road, which is to be used as a route for the enjoyment of tourists, shall consist of:

(1) In West Feliciana Parish, take LA 61 south through Laurel Hill, Wakefield, and St. Francisville to East Feliciana Parish.

(2) In East Feliciana Parish, take LA 61 south through Port Hudson to East Baton Rouge Parish.

(3) In East Baton Rouge Parish, proceed on US Highway 61 to Interstate 110 south through Baton Rouge, exiting at the Governors Mansion and Capitol Access Road; proceed to Capitol Lakes Avenue and turn left on Fifth Street; turn right onto Old Spanish Town Road; turn right onto North Third Street; turn left on Capitol Street Avenue, then left on River Road; proceed on River Road south to St. Phillip Street; turn right on St. Phillip Street and proceed to LA 30 and the LSU campus; at the football and baseball stadiums turn right on Skip Bertman Drive; proceed to River Road and turn left; follow River Road to Iberville Parish.

(4) In Iberville Parish, travel LA 327 south to LA 991; proceed on LA 991 to LA 75; proceed on LA 75 through Sunshine, St. Gabriel, and Carville to Ascension Parish.

(5) In Ascension Parish, proceed on LA 75 south through Geismar and Darrow where LA 75 turns into LA 942; proceed on LA 942 to Burnside where LA 942 turns into LA 44; continue on LA 44 south to St. James Parish.

(6) In St. James Parish, continue on LA 44 south under the Sunshine Bridge and through Union, Convent, and Gramercy, into St. John Parish.

(7) In St. John Parish, continue on LA 44 south past Veterans Memorial Bridge to Reserve and SR 636-3; proceed on SR 636-3 back to LA 44 through LaPlace to SR 628; continue on SR 628 through Gypsy to the St. Charles Parish line.

(8) In St. Charles Parish, continue on SR 628 through Montz to US Highway 61; proceed on US 61 across the Bonnet Carre Spillway to LA 48 at Norco; continue on LA 48 through New Sarpy, Destrehan, and St. Rose to the Jefferson Parish line.

(9) In Jefferson Parish, continue on LA 48 through Kenner and Harahan where LA 48 turns into Jefferson Highway; turn right on SR 3154, proceeding to Riverside Drive; take Riverside Drive under US Highway 90 Mississippi River Bridge into New Orleans and to the Orleans Parish line.

(10) In Orleans Parish, follow Riverside Drive through Tulane University to Magazine Street; take Magazine Street past the Audubon Zoo to Exposition Street; take Exposition Street to Tchoupitoulas Street; take Tchoupitoulas Street to Interstate 10 Mississippi River Bridge and cross the Mississippi River; take the Westbank Expressway west back into Jefferson Parish and exit LA 23 through Belle Chasse to the Plaquemines Parish line.

(11) In Plaquemines Parish, take LA 23 south through Belle Chasse to Venice.

Acts 2003, No. 969, §1.

PART VI. OLD METAIRIE ROAD BUSINESS AND CULTURAL DISTRICT

§1950.11. Old Metairie Road Business and Cultural District; designation

A. The legislature finds that Metairie Road is a historic route situated on a ridge of well-drained land along an abandoned distributary of the Mississippi River which historically provided a dry land route into New Orleans from the West; that the name goes back some two centuries and is related to farming in the area, being derived from the French *moitie*, or one-half, or *moitoare*, a farming village based on a kind of medieval sharecropping; and that today the Metairie Road area is a rich cultural community comprised of shops, coffee houses, restaurants, professional buildings, and other establishments of interest to residents and visitors. It is the intention of the legislature to designate the area along a portion of Metairie Road as a business and cultural district in order to commemorate its historical and cultural significance and to assure ready access to the district by providing directions to residents and visitors.

B. The legislature does hereby designate that portion of Metairie Road in Jefferson Parish defined in R.S. 56:1950.12 as a business and cultural district.

Acts 2006, No. 245, §1, eff. July 1, 2006.

§1950.12. Definitions

As used in this Part the "Old Metairie Road Business and Cultural District" means that corridor or area along Metairie Road, also designated as Louisiana Highway 3119, beginning at the Jefferson Parish-Orleans Parish line at the Seventeenth Street Canal and extending to the west along Metairie Road to its intersection with Severn Avenue near Airline Drive and including the properties on both sides of such portion of Metairie Road.

Acts 2006, No. 245, §1, eff. July 1, 2006.

§1950.13. Signage

A. The Department of Transportation and Development shall provide and erect appropriate signs identifying the district, including signs at the east and west boundaries of the district and at locations along Metairie Road within the district.

B. The Department of Transportation and Development and the governing authority of Jefferson Parish shall provide and erect appropriate signs providing directions to the district at appropriate locations on the respective local and state highways including but not limited to the following:

- (1) Airline Drive at Severn Avenue and Shrewsbury Road.
- (2) Airline Drive at Labarre Road.
- (3) Airline Drive at Ridgewood Drive.
- (4) Airline Drive at Cecil Street (Louisiana Highway 6118).

(5) Bonnabel Boulevard at Metairie Road.

(6) I-10 at all Bonnabel Boulevard exits.

Acts 2006, No. 245, §1, eff. July 1, 2006.

CHAPTER 10. LOUISIANA COLONIAL TRAILS

§1951. Purpose

The purpose of this Chapter is to create the Louisiana Colonial Trails, which consists of those routes identified as the major routes used by settlers, travelers and European colonial powers in the eighteenth and nineteenth centuries for travel to and across Louisiana and to designate those scenic highways which compose a modern tourist route paralleling the length of the Louisiana Colonial Trails.

Added by Acts 1982, No. 57, §1.

§1952. Definitions

Unless otherwise indicated herein, the terms used in this Chapter shall mean the following:

(1) "Louisiana Colonial Trails" means a system of trails or roads identified as the migration route of the Camino Real in the western part of the state from Natchitoches to the Texas border and the Harrisonburg Road from Natchitoches through east central Louisiana to the Mississippi River.

(2) "Scenic highway" means those designated modern day roads which parallel the colonial trail and is a route with significant scenic, historical, and recreational features by which tourists can travel across central Louisiana.

Added by Acts 1982, No. 57, §1.

§1953. Louisiana Colonial Trails; requirements; designations

A. The Louisiana Colonial Trails is hereby created and shall be composed of the following roads:

- (1) El Camino Real
- (2) The Texas Road (also called the San Antonio Road)
- (3) Nolan's Trace
- (4) Red River Stage Road
- (5) Harrisonburg Road
- (6) Thompson Ferry Road
- (7) White Sulphur Springs Road
- (8) Walker Ferry Road
- (9) Hebrard Ferry Road
- (10) Catahoula Lake Road
- (11) The Doty Road
- (12) Old Texas Road

B. In order to include a road or trail in the Louisiana Colonial Trails system, the road or trail shall be more than ten miles in length, documented by acceptable historical data, and identified on historical maps or by other means, as a route used by a substantial number of travelers during the

years from 1803 until approximately 1850 to settle in Louisiana, Texas, and the West, branching from the Natchez Trace at Vidalia, Louisiana, across the Mississippi River from Natchez, Mississippi.

Added by Acts 1982, No. 57, §1.

§1954. Scenic highways; purpose

The route composing the scenic highways which parallel the Louisiana Colonial Trail and which is to be used as a route for the enjoyment of tourists of the Louisiana Colonial Trails, extending from Mississippi to Texas shall consist of the following:

- (1) Enter Louisiana on State Highway 6.
- (2) Intersection of State Highway 6 with US 71/84, turn south on US 71.
- (3) Intersection of US 71 with local paved road known as the Old Harrisonburg Road. Turn east.
- (4) Intersection of Old Harrisonburg Road with State Highway 34. Turn northeast on State Highway 34.
- (5) Intersection of State Highway with local, paved road. Turn southeast on paved road.
- (6) Intersection with Old Harrisonburg Road a local road paved in parts running east-west. Turn east on Old Harrisonburg Road.
- (7) Intersection of Old Harrisonburg Road with paved State Highway 1228, turn north.
- (8) Intersection of State Highway 1228 with paved, local road, turn east.
- (9) Cross the intersection with US 167 and continue on road which becomes paved State Highway 500 at this intersection. Continue east on State Highway 500.
- (10) Intersection of State Highway 500 with State Highway 472, a two lane road extending north to State Highway 1230, turn north.
- (11) Intersection of State Highway 472 with State Highway 1230. Turn east on State Highway 1230.
- (12) When State Highway 1230 turns sharply to the south, continue east on road which becomes State Highway 3098. Continue east on 3098.
- (13) Intersection of State Highway 3098 with State Highway 165. Turn south on State Highway 165.
- (14) Intersection of State Highway 165 with State Highway 500. Turn east on State Highway 500.
- (15) Merger of State Highway 500 with US 84. Continue east on US 84.
- (16) Intersection with State Highway 8. Turn northeast and continue on State Highway 8.
- (17) Intersection of State Highway 8 with State Highway 124, turn south.
- (18) Intersection of State Highway 124 with US 84, turn east.
- (19) Veer south on US 84/65, which becomes a divided, four lane highway between Ferriday and Vidalia.

Added by Acts 1982, No. 57, §1.

CHAPTER 11. LITTLE RIVER COMMISSION

§§2001-2003. *Repealed by Acts 1995, No. 1262, §1.*

CHAPTER 12. FILL SAND AND FILL MATERIAL

§2011. License to dredge; royalties; exemptions

A. No fill sand nor fill material shall be dredged from the water bottoms of this state without a license issued by the Louisiana Department of Wildlife and Fisheries. The license fee shall be set by the commission and shall not exceed one hundred dollars. The department shall act on the license application either favorably or unfavorably within a period of thirty working days.

B.(1) There shall be five classes of license as follows:

(a) Class A shall be applicable to commercial dredging or initial acquisition of fill sand or fill material with the specific intent to offer such fill for resale.

(b) Class B shall be applicable to dredging of fill sand or fill material for commercial purposes other than the specific intent to offer such fill for resale. Such commercial purposes shall include operations related to mineral activities.

(c) Class C shall be applicable to a person dredging or contracting for dredging of fill sand or fill material for private, noncommercial purposes.

(d) Class D shall be applicable to dredging of fill sand or fill material for an activity that has a public benefit, such as but not limited to a coastal conservation or restoration activity, navigation purpose, removal of sediment buildup, or recreational activity.

(e) Class E shall be applicable to all other dredging of fill sand or fill material.

(2) The license shall be valid for one year beginning January first and ending December thirty-first of that same calendar year. The license may be purchased at any time during the year for the current license year and beginning November fifteenth for the immediately following license year. No person with an outstanding violation of this Chapter may purchase a license. At all times, the original license shall be available at the dredge site for inspection by a duly authorized agent of the department.

C. A royalty payment, based on cubic yards or equivalent thereof as determined by the commission of material dredged, shall be made to the department as follows:

(1) Holders of a Class A license shall pay a royalty of twenty-nine cents per cubic yard of material dredged.

(2) Holders of a Class B license shall pay a royalty of twenty-five cents per cubic yard of material dredged.

(3) Holders of a Class C license shall pay a royalty of fifteen cents per cubic yard of material dredged.

(4) Except those exempted under the provisions of Subsection E of this Section, holders of a Class D license shall pay a royalty of five cents per cubic yard of material dredged.

(5) Holders of a Class E license shall pay a royalty of twenty-five cents per cubic yard of material dredged.

D. Only holders of Class A licenses shall be authorized to sell fill sand or fill material dredged. Holders of Class B, C, D, or E licenses shall not sell fill sand or fill material which was dredged or caused to be dredged under authority of those licenses.

E. Any private landowner, state agency, political subdivision, or associated consultant or contractor engaged in a coastal protection, conservation, or restoration activity consistent with an annual plan or the comprehensive master plan established pursuant to R.S. 49:213.6 or engaged in an activity to remove sediment buildup to preserve or restore the natural habitat of a water body of the state or to enhance navigation and recreation activities on a water body of the state shall be exempt from payment of the royalties and bond requirements of this Section. However, any such private landowner, state agency, political subdivision, or associated consultant or contractor shall be required to apply for and receive the appropriate license required by this Section. To be eligible for exemption from the royalty payment and bond requirements of this Section, a private landowner shall obtain a letter of no-objection from either the governing authority of the political subdivision within which the activity will occur or the local coastal management program under which the activity is authorized, and the approval, in writing, of the secretary of the Department of Natural Resources, the secretary of the Department of Transportation and Development, and the chair of the Coastal Protection and Restoration Authority.

F. Notwithstanding any other provision of law to the contrary, dredging by or on behalf of a port authority or port, harbor, and terminal district shall be exempt from the provisions of this Chapter. However, any port authority or port, harbor, and terminal district or any person engaged on its behalf to perform dredging in its respective jurisdiction shall possess the appropriate federal and state permits which authorize the dredging, and a copy of such permits shall be available at the dredge site for inspection by a duly authorized agent of the department.

G. Any person holding a dredging permit from the department on May 1, 2007, shall be granted a license under the provisions of this Section, with such license to authorize the same activities authorized under the existing permit.

H. The commission shall promulgate rules and regulations implementing the provisions of this Section. Such rules and regulations shall include but not be limited to bond requirements, royalty payment deadlines, royalty auditing procedures, and location of dredging operations and placement of fill sand or fill material.

Acts 1986, No. 845, §1; Acts 1989, 2nd Ex. Sess., No. 6, §5, eff. July 14, 1989; Acts 2005, No. 203, §1; Acts 2007, No. 454, §1.

§2012. Violations and penalties; injunctive relief

A. Violation of any of the provisions of this Chapter, or rules and regulations adopted by the commission pursuant to this Chapter, shall constitute a class three violation with penalties as provided in R.S. 56:33, except that failure to possess a Class C license shall constitute a class one violation with penalties as provided in R.S. 56:31.

B.(1) In addition to the penalties provided in Subsection A of this Section, the commission may assess either or both of the following:

(a) A civil penalty of not more than one thousand dollars for each violation of the provisions of this Chapter or of the rules and regulations adopted by the commission pursuant to this Chapter. Each day on which a violation occurs shall be considered a separate offense.

(b) Damages in an amount not to exceed the estimated fair market value of the fill sand or fill material dredged in violation of this Chapter or the rules and regulations of the commission adopted pursuant to this Chapter.

(2) Penalties and damages may be assessed only by a resolution of the commission after notice to the licensee.

(3) Decisions of the commission may be appealed through an adjudicatory hearing pursuant to the Administrative Procedure Act, R.S. 49:950 et seq.

C. The secretary may institute civil proceedings enforcing the rulings of the commission or seeking injunctive relief to restrain and prevent the violation of the provisions of this Chapter, or of the rules and regulations adopted by the commission pursuant to this Chapter, in the Nineteenth Judicial District Court.

Acts 1986, No. 845, §1; Acts 2007, No. 454, §1.

§2013. Revocation of licenses

A. The department may revoke or suspend any license issued under the provisions of this Chapter upon a determination by the department that the holder of the license has violated the provisions of this Chapter or the rules and regulations of the commission; however, the licensee shall be entitled to an appeal from his revocation or suspension through an adjudicatory hearing pursuant to the Administrative Procedure Act, R.S. 49:950 et seq.

B. The department shall notify each person whose license has been revoked or suspended, by certified mail, return receipt requested.

C. Each person whose license has been revoked or suspended shall return the license to the commission within fifteen days of the date on which the notice of revocation or suspension was received.

Acts 1986, No. 845, §1; Acts 2007, No. 454, §1.

§2014. Emergency cease and desist orders

Upon a determination that any person, firm, or corporation is dredging fill sand or fill material without a valid license from the department, the secretary may issue an emergency cease and desist order. The issuance of such an emergency cease and desist order shall not be subject to the limitations and formalities relating to notice and hearings imposed with regard to adjudications under R.S. 49:950 et seq., but shall be subject to all other applicable provisions of law. The emergency cease and desist order shall remain in force until a hearing can be held concerning the situation which prompted the emergency order, but in no event shall such an emergency order remain in force longer than fifteen days.

Acts 1986, No. 845, §1; Acts 2007, No. 454, §1.

§2015. Mandamus to compel issuance of license

Any person who is denied a license by the department may institute legal proceedings against the department in the Nineteenth Judicial District Court. If the court finds that the license should have been issued, the court may issue a writ of mandamus to compel the department to issue the license.

Acts 1986, No. 845, §1; Acts 1993, No. 159, §1; Acts 2007, No. 454, §1.

CHAPTER 13. TERREBONNE PARISH ARTIFICIAL REEF ACT

§2021. Title

This Chapter shall be known and may be cited as the "Terrebonne Parish Artificial Reef Act".

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2022. Purpose

The purpose of this Chapter is to promote and facilitate effective establishment and maintenance of artificial reefs in the waters of Terrebonne Parish.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2023. Establishment of standards

Artificial reefs and waters covered under this Chapter shall be sited, constructed, and subsequently maintained, monitored, and managed based upon the best scientific information available, and in a manner which shall:

- (1) Enhance and conserve fishery and resources to the maximum extent practicable.
- (2) Facilitate access and utilization by recreational and commercial user groups.
- (3) Minimize conflicts among competing users of waters covered under this Chapter of the resources in such waters.
- (4) Minimize environmental risk and risk to personal and public health and property.
- (5) Be consistent with generally accepted principles of fishing law, the Louisiana Fishing Enhancement Act, and not create any unreasonable obstructions to navigation.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2024. Terrebonne Parish Artificial Reef Development Commission

A. The Terrebonne Parish Artificial Reef Development District, hereinafter called the "District", is hereby constituted and is declared to be a body politic and political subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the Constitution of Louisiana. Pursuant to Article VI, Sections 19 and 21 of the Constitution of Louisiana, the district is hereby granted all of the rights, powers, privileges and immunities granted to political subdivisions including but not limited to the power of taxation, the power to incur debt and issue revenue and general obligation bonds, certificates of indebtedness, bond and certificate anticipation notes, and refunding bonds, subject to the limitations hereinafter provided. The district created pursuant hereto shall be established for the primary purpose of promoting, developing, maintaining, monitoring and enhancing the artificial reef potential in the waters covered under this Chapter.

B. Through its governing commission, it shall administer and enforce the program provided for in this Chapter and such commission may, on its own initiative, establish artificial reef sites after holding public hearings on any proposed reefs, and also to receive permit applications from any other person or agency for the purpose of establishing an artificial reef. The commission shall oversee maintenance and placement requirements of any artificial reefs established in the waters of Terrebonne Parish and develop all additional information needed to carry out the program. Prior to the establishment of any artificial reefs, on its own initiative as a result of a permit application to the commission, a public hearing shall be held.

C. The boundaries of the district shall be coterminous with the boundaries of Terrebonne Parish.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2025. Composition of commission

A. The district shall be governed by a board of commissioners, hereinafter referred to as the "commission", consisting of seven members selected as set out herein. Each member during his term of office shall be a citizen of the United States, a qualified voter residing within the limits of the district, and must be nominated by an association, club or non-profit corporation whose primary function relates to recreational fishing. The specific nominating entity shall be designated by a

resolution of the Terrebonne Parish Council at the time that any nominations are required to be made for appointment.

B.(1) Six members shall be appointed by the Terrebonne Parish Council.

(2) One member shall be appointed by the Terrebonne Parish President.

C. Initial appointments shall be made for staggered terms as specified herein and at the termination of these initial terms of office, each term of office shall be for three years. The initial terms shall be as follows:

(1) Three members shall be appointed for one-year terms.

(2) Three members shall be appointed for two-year terms.

(3) One member, which shall be the member appointed by the Terrebonne Parish President, shall be appointed for a three-year term.

D. Any vacancy in the membership of the commission, occurring by reason of the expiration of the term for which appointed by reason of death, resignation, or otherwise, shall be filled in the manner of the original appointment. In the event that the entity responsible for the appointment of a member fails to fill a vacancy within thirty days of such vacancy, the commission shall appoint an interim successor to serve until the position is filled by the appointing entity.

E. Any member of the commission may be removed by the entity that originally appointed him for cause.

F. The members of the commission shall serve without compensation. The commission may reimburse any member for expenses actually incurred in the performance of his duties.

G. Elected officials are prohibited from serving on the commission.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2026. Commission; officers; meetings; reports

A. The commission shall elect from its own members a president, vice president, secretary, and treasurer, whose duties shall be those usual to such offices.

At the option of the commission, the offices of secretary and treasurer may be held by one person.

B. The commission shall meet in regular session once each month and shall also meet in special session as often as the president of the board convenes them or on the written request of four members. Four members of the commission shall constitute a quorum.

C. Meetings of the commission shall take place in a suitable location in the parish of Terrebonne.

D. The commission shall render annually to the governing authority of the parish of Terrebonne, within ninety days following the end of each calendar year, a report in triplicate of its activities, together with a financial report disclosing all receipts and disbursements of the commission.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2027. Powers of the commission

A. The district, acting by and through its commission, shall have and exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, including but not limited to rights and powers set out in this Chapter:

(1) To sue and be sued.

(2) To adopt, use, and alter at will a corporate seal.

(3) To acquire by donation, grant, purchase, lease or otherwise, all property, including servitudes or rights of use; to hold and use any franchise or property, immovable or movable, corporeal or incorporeal, or any interest therein, necessary or desirable for carrying out the objects and purposes of the district.

(4) To receive by grant, donation, or otherwise, any sum of money, or property, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.

(5) To enter into contracts for the purchase, acquisition, construction, maintenance, and improvement of works and facilities necessary in connection with the purposes of the district.

(6) In its own name and on its own behalf to incur debt and to issue general obligation bonds, revenue bonds, certificates, notes and other evidences of indebtedness and to levy and cause to be collected ad valorem taxes as provided in this Chapter and as may be provided by general law.

(7) To require and issue licenses with respect to its properties and facilities.

(8) To regulate the imposition of fees and rentals charged by the district for its facilities and for services rendered by it.

(9) To mortgage properties constructed or acquired and to borrow money and pledge all or part of its revenues, leases, rents or other advantages as security for such loans.

(10) To sell immovable property owned by the district after legal notice as provided by law for the judicial sale of immovable property.

(11) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(12) To contract, upon such terms as it may agree upon for legal, financial, engineering, and other professional services necessary or expedient in the conduct of its affairs.

(13) To utilize the services of the executive departments of the state upon mutually agreeable terms and conditions.

(14) To do any and all things necessary or proper for the government, regulation, development, and control of the business of the district.

(15) The district may receive funds from the owner or owners of any structure to be utilized as reef material in consideration of the district utilizing the structure.

B. The legislature may confer additional powers upon the district not inconsistent with the provisions hereof; provided that no such provisions shall impair any contract lawfully entered into by the district.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2028. Dedication of funds

All funds received by the district shall be dedicated to accomplish the purposes of this Chapter.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2029. Tax

A. The commission may, when necessary, levy annually an ad valorem tax not to exceed five mills on the dollar of assessed valuation of all property, provided that the amount, term and purpose of said tax, as set out in a proposition submitted to a vote in accordance with the Louisiana Election

Code, shall be approved by a majority of the qualified electors voting in a special election held for that purpose and the tax levy is approved by the Terrebonne Parish Council.

B. All funds derived under this Section may be used for any expenses or purposes of the district.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2030. Obligations of the district

A. The district shall have authority to incur debt for any one or more of its lawful purposes set forth in this Chapter, to issue in its name negotiable bonds, notes, certificates of indebtedness, or other evidences of debt and to provide for the security and payment thereof.

B.(1) The district may in its own name and behalf incur debt and issue general obligation ad valorem property tax secured bonds under the authority of and subject to Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, when approved by a majority of the qualified voters who vote in a special election called and conducted under the authority of the Louisiana Election Code, including Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950, as amended. General obligation bonds of the district may be issued for any of the purposes for which the district is created or is authorized to act under any provisions of this Chapter, all of which purposes are hereby found and declared to be public purposes and functions of the state of Louisiana, which are delegated to the district.

(2) The district may in its own name and behalf issue revenue bonds for the purposes for which the district is created or is authorized to act under any of the provisions of this Chapter, including industrial and commercial development revenue bonds. Said bonds shall be issued in the manner as provided for in R.S. 39:991 through 1001 and R.S. 39:1011 through 1024.

(3) The district may in its own name and behalf borrow from time to time in the form of certificates of indebtedness. The certificates shall be secured by the dedication and pledge of monies of the district derived from any lawful sources, including fees, lease rentals, service charges, local service agreement payments from one or more other contracting parties, the avails of ad valorem property taxation, or any combination of such sources of income, provided that the term of such certificates shall not exceed ten years and the annual debt service on the amount borrowed shall not exceed the anticipated revenues to be dedicated and pledged to the payment of the certificates of indebtedness, as shall be estimated by the commission at the time of the adoption of the resolution authorizing the issuance of such certificates. The estimate of the commission referred to in the authorizing resolution shall be conclusive for all purposes of this Section.

(4) The district may borrow the amount of the anticipated ad valorem tax, not to exceed five mills, authorized by R.S. 56:2029, for a period not to exceed ten years and may issue certificates of indebtedness therefor and may dedicate the avails of the tax funded for the payment thereof for the period of time said certificates are outstanding.

(5) The commission, as the governing authority of the district, is authorized to adopt all necessary resolutions or ordinances which may be necessary for ordering, holding, canvassing, and promulgating the returns of any election required for the issuance of general obligation bonds, or limited tax secured obligations, or for the voting of a property tax millage, which resolutions or ordinances may include covenants for the security and payment of any bonds or other evidence of debt so issued.

(6) For a period of thirty days from the date of publication of any resolution or ordinance authorizing the issuance of any bonds, certificates of indebtedness, notes or other evidence of debt of the district, any interested person may contest the legality of such resolution or ordinance and the validity of such bonds, certificates of indebtedness, notes or other evidence of debt issued or

proposed to be issued thereunder and the security of their payment, after which time no one shall have any cause of action to contest the legality of said resolution or ordinance or to draw in question the legality of said bonds, certificates of indebtedness, notes or other evidence of debt, the security therefor, or the debts represented thereby for any cause whatever, and it shall be conclusively presumed that every legal requirement has been complied with, and no court shall have authority to inquire into such matters after the lapse of thirty days.

(7) The issuance and sale of such bonds, certificates of indebtedness, notes or other evidence of debt by the district shall be subject to approval by the State Bond Commission.

(8) Such bonds, certificates of indebtedness, notes or other evidence of debt shall have all the qualities of negotiable instruments under the commercial laws of the state of Louisiana.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2031. Securities

Bonds, certificates, or other evidences of indebtedness issued by the district under this Chapter are deemed to be securities of public entities within the meaning of Chapters 13 and 13-A of Title 39 of the Louisiana Revised Statutes of 1950, and shall be subject to defeasance in accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, and may be refunded in accordance with the provisions of Chapters 14-A and 15 of Title 39 of the Louisiana Revised Statutes of 1950, and may also be issued as short-term revenue notes of a public entity under Chapter 15-A of Title 39 of the Louisiana Revised Statutes of 1950.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2032. Exemption from taxation

The district and all properties at any time owned by the district and the income therefrom and all bonds, certificates, and other evidences of indebtedness issued by the district under this Chapter and the interest or income therefrom shall be exempt from all taxation by the state of Louisiana.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2033. General compliances; enhancement

A. No provision of this Chapter shall be construed so as to exempt the district from compliance with the provisions of Louisiana laws pertaining to open meetings, public records, fiscal agents, official journals, dual officeholding and employment, public bidding for the purchase of supplies and materials and construction of public works, coastal use permits, the Code of Governmental Ethics, the Right to Property in Article I, Section 4 of the Constitution of Louisiana, and the Louisiana Election Code.

B. The district shall have the power and right to adopt a program or programs awarding contracts to, and establishing set-aside goals and preference procedures for the benefit of, businesses owned and operated by socially or economically disadvantaged persons in accordance with any of the provisions of R.S. 38:2233 and of Chapter 19 of Title 39 of the Louisiana Revised Statutes of 1950, entitled "Louisiana Minority Business Enterprise Act".

C. The district shall annually prepare a financial report which shall be presented to the legislative auditor pursuant to the provisions of R.S. 24:513. The auditor shall thereafter publish his findings in the district's official journal. All expenses associated with this Section shall be borne by the district.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2034. Permitting of artificial reefs

The commission is empowered to serve as permittee for artificial reefs and waters covered under this Chapter, provided such reefs are consistent with and established within the guidelines of this Chapter, state law, including, but not limited to, the Louisiana Fishing Enhancement Act, and the National Fishing Enhancement Act.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2035. Liability

The district, the commission, the parish of Terrebonne, and its agencies, and any insurer of these groups shall not:

(1) Be liable for damages caused by activities required to be undertaken under the terms and conditions of any state and/or federal laws or permits required for reef development.

(2) Any person or company who has transferred title of artificial reef construction materials to the district shall not be liable for damages arising from the use of such materials in an artificial reef, if such materials meet applicable requirements of the National Artificial Reef Plan published under Section 204 of the National Fishing Enhancement Act, and United States Department of Interior Regulations.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2036. Unplugged wells

The district is prohibited from accepting any structures, rigs, platforms or any other construction over any wells not properly plugged and abandoned according to all rules and regulations of the state and federal government.

Acts 1991, No. 179, §1, eff. July 2, 1991.

§2037. Rules and regulations

The commission will develop rules and regulations to promote and facilitate the purposes of this Chapter including lighting of any artificial reef, minimizing environmental risks and risks to personal public health and property and any other rules and regulations consistent with the purposes of this Chapter and which are consistent with and subject to the Louisiana Fishing Enhancement Act, R.S. 56:639.1 et seq.

Acts 1991, No. 179, §1, eff. July 2, 1991.